

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Tuesday, June 21, 2005 - - 4:00 p.m.

* * * * *

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: Councilman K. Rob Krupicka.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Spero, Assistant City Attorney; Mr. Baier, Director, Transportation and Environmental Services; Mr. Skrabak, Transportation and Environmental Services; Ms. Baker, City Engineer, Transportation and Environmental Services; Ms. Smith-Page, Director, Real Estate Assessments; Ms. Boyd, Director, Citizen Assistance; Mr. Neckel, Director, Finance; Mr. Blakeley, Deputy Director, Parks, Recreation and Cultural Activities; Ms. Fogarty, Director, Planning and Zoning; Mr. Josephson, Deputy Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Ms. Hannold, Planning and Zoning; Ms. Netson, Planning and Zoning; Ms. Peterson, Planning and Zoning; Mr. LeGrant, Planning and Zoning; Ms. Davis, Housing Director; Mr. Dahlberg, Code Enforcement Director; Police Lt. Uzzell; and Mr. Farid, Telecommunications Coordinator, General Services.

Recorded by: Jackie M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the Members of City Council were present, with the exception of Councilman Krupicka, who was absent.

2. Public Discussion Period.

(a) Jim Fishback, 3004 Dartmouth Road, representing himself and his neighbors, asked for Council's help on restraining Bishop Ireton High School from converting its athletic fields non-school hours into a public sports complex, and he presented a copy of a petition signed by 43 Clover College Park homeowners.

(b) Jim Boissonnault, 8 E. Mason Avenue, spoke of the Alexandria City Public Schools education plan and the problems with the School Board and Superintendent.

(c) Poul Hertel, 1217 Michigan Court, spoke of his and his neighbors concerns regarding DASH bus route realignment under discussions, notably #2, and they request that prior to any changes taking place, that a process ensue which incorporates the citizenry.

(d) Joseph Bennett, 5108 Donovan Drive, #402, president of Cameron Station Civic Association, said they would like a break from the nighttime operations of Virginia Paving, the asphalt plant near their neighborhood and Tucker School, as their current special use permit does not permit the nighttime operations, and their current special use permit hours can and should be addressed on its own. Mr. Bennett said staff has decided to conflate the three issues - the current sup enforcement, the new sup request and environmental health, allowing Virginia Paving to continue to operate at night, and then presenting to the Planning Commission and Council in September to sort out. He asked that the current sup operating hours be enforced now, so they too can have relief this summer. He also noted that at its May 18 meeting, Virginia Paving said it would agree to have the environmental study done by a consultant that is also approved by staff and the association.

In response to a comment from Councilwoman Woodson, City Manager Hartmann said staff acknowledges that Virginia Paving has been working outside of its current special use permit, especially when it deals with nighttime operations, and over the past two weeks, some of the issues have been clarified, and he suggested that staff come back to Council next week with an update on it and a quantification of the issues.

Councilman Smedberg asked for any written background information on how the staff follows up on special use permits.

Councilman Macdonald asked for an update next week on the Bishop Ireton special use permit.

Councilman Gaines said he would appreciate a written report on where things are with Bishop Ireton.

(e) Arthur Impasnato, 239 Medlock Lane, thanked Council for taking interest in the Virginia Paving matter and supported the requests to enforce the special use permit for Virginia Paving, and to have an independent third-party conduct the environmental study. He also noted that Virginia Paving's parent, Lane Construction, states in a September 2004 paper that Virginia Paving has crews that are running day and night to complete the Springfield interchange phase 4 project. He said that if this sup is not enforced, it sets a bad precedent for others who have sup's. Mr. Impasnato said on the EPA website, there are two cases, one which resulted in a \$51,000 fine against Virginia Paving for clean water act violations.

(f) Jim Roberts, 2916 Dartmouth Road, said he lives adjacent to the Bishop Ireton athletic field, and he supported the remarks made by Mr. Fishback and wished to join his appeal for City help to restrain Bishop Ireton from converting the private school athletic field into a public sports complex. Mr. Roberts also commended Councilman Gaines, who has strived to resolve the matter.

(g) Julie Crenshaw, 816 Queen Street, spoke about the motorcycle exhaust going over someone's food plate at a local restaurant this past weekend, she said the motorcycles have toxic fumes, and some of the restaurants won't have outdoor dining because of the concern of exhaust and the dirt. Ms. Crenshaw also noted that many of the motorcyclists gun their engines going up and down Union Street and Franklin Street and no one is ticketing them. Ms. Crenshaw also spoke about the pesticides and poisons being put out and the rat boxes in the park, and she spoke of her conversation with Alexandria Pest Control, who has the City's contract, and there are a lot of problems with it and the City should look into it.

Mayor Euille asked if staff is taking a look at the motorcycle issue, as it is something the City needs to be looking at in terms of the Health Department, working with the restaurateurs and Transportation.

City Manager Hartmann said they have had initial discussions on it and would make sure they continue with those.

(h) Michael Neilson, 4110 Ft. Worth Place, said he is involved with local sports and they are constrained in their ability to serve the children of Alexandria by access to enough fields in sufficiently sound condition to meet the needs of sports for practice time and games. Mr. Neilson said Council will be considering the Jones Point Park plan and they are concerned about maintaining the long-standing existing use of two full-sized athletic fields at that location.

(i) Harry Hart, 307 N. Washington Street, representing Bishop Ireton High School, said the matter of Bishop Ireton is appropriate to be handled by a neighborhood liaison committee and is being handled in that fashion. A complaint was made to staff and staff is handling it. He said Bishop Ireton is being a good neighbor, a good number of concessions have been made and will continue to be made. He assured Council that it is not being used as a public sports complex, it is not for lease, and it is not being done for private gain.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-18)

Planning Commission

3. SPECIAL USE PERMIT #2005-0027
1115 MARTHA CUSTIS DRIVE
CHARLES BARRETT ELEMENTARY SCHOOL
Public Hearing and Consideration of a request for a special use permit to allow a freestanding sign at an elementary school; zoned RB/Residential. Applicant: Alexandria City Public Schools by Mark Krause

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 6/21/05, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2005-0030
1115 MARTHA CUSTIS DRIVE
CHARLES BARRETT ELEMENTARY SCHOOL
Public Hearing and Consideration of a request for a special use permit to extend the use of an existing temporary classroom trailer; zoned RB/Residential. Applicant: Alexandria City Public Schools by Mark Krause

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 6/21/05, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2005-0029
3600 COMMONWEALTH AVENUE
CORA KELLY ELEMENTARY SCHOOL
Public Hearing and Consideration of a request for a special use permit to extend the use of existing temporary classroom trailers; zoned RB/Residential. Applicant: Alexandria City Public Schools by Mark Krause

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 6/21/05, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2005-0031
5000 POLK AVENUE
JAMES K POLK ELEMENTARY SCHOOL
Public Hearing and Consideration of a request for a special use permit to extend the use of existing temporary classroom trailers; zoned R12 and R20/Residential. Applicant: Alexandria City Public Schools by Mark Krause

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 6/21/05, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT #2005-0032
104 N. WEST STREET (Parcel Address: 1401 King Street)
RESTAURANT
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Catering by Charlene by Charlene Dantzler-Henry

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 6/21/05, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2005-0034
701 & 703 NORTH WASHINGTON STREET
EXXONMOBIL CORPORATION
Public Hearing and Consideration of a request for a special use permit to continue the operation of a service station with an ancillary convenience store; zoned CD-X/Commercial Downtown. Applicant: ExxonMobil by Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 6/21/05, and is incorporated as part of this record by reference.)

9. SPECIAL USE PERMIT #2005-0036
3113 DUKE STREET (Parcel Address: 3125 Duke Street)
STARBUCKS
Public Hearing and Consideration of a request for a special use permit to operate a restaurant (coffeehouse); zoned CG/Commercial General. Applicant: Starbucks by Jonathan Rak, attorney and JBG Rosenfeld Retail

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 6/21/05, and is incorporated as part of this record by reference.)

10. SPECIAL USE PERMIT #2005-0037
3217 DUKE STREET (Parcel Address: 3125 Duke Street)
Z PIZZA RESTAURANT
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Z Pizza by Jonathan Rak, attorney and JBG Rosenfeld Retail

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 6/21/05, and is incorporated as part of this record by reference.)

11. SPECIAL USE PERMIT #2005-0038
3215 DUKE STREET (Parcel Address: 3125 Duke Street)
QUIZNOS SUBS
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Quiznos Subs by Jonathan Rak, attorney and JBG Rosenfeld Retail

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 6/21/05, and is incorporated as part of this record by reference.)

12. SPECIAL USE PERMIT #2005-0039
3209 DUKE STREET (Parcel Address: 3125 Duke Street)
SUCCESSLAB LEARNING CENTER
Public Hearing and Consideration of a request for a special use permit to operate a commercial school; zoned CG/Commercial General. Applicant: SuccessLab Learning Center by Jonathan Rak, attorney and JBG Rosenfeld Retail

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 6/21/05, and is incorporated as part of this record by reference.)

13. SPECIAL USE PERMIT #2005-0020
305 HOOFS RUN DRIVE
COFFEE SHOP/JUICE BAR/CAFE
Public Hearing and Consideration of a request for a special use permit to operate a restaurant (coffeehouse/juicebar/cafe); zoned CDD-11/Coordinated Development District. Applicant: Scott Morrison

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 6/21/05, and is incorporated as part of this record by reference.)

14. SPECIAL USE PERMIT #2005-0024
814 NORTH FAIRFAX STREET
BRUSCATOS DELI

Public Hearing and Consideration of a request for a special use permit to change the hours of operation and ownership of a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Mikhael Copty

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 6/21/05, and is incorporated as part of this record by reference.)

15. SPECIAL USE PERMIT #2005-0045
3122 MT VERNON AVENUE
MIA'S MARKET CONVENIENCE STORE

Public Hearing and Consideration of a request for a special use permit to continue the operation of a nonconforming convenience store use; zoned CRMU-M/Commercial Residential Mixed Use Medium. Applicant: Mia Kim

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 6/21/05, and is incorporated as part of this record by reference.)

16. ENCROACHMENT #2005-0001
699 PRINCE STREET
CANOPY

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a canopy; zoned CD/Commercial Downtown. Applicant: National Center for Missing and Exploited Children by Bill Shaffer

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 6/21/05, and is incorporated as part of this record by reference.)

17. SPECIAL USE PERMIT #2005-0033
2406 MOUNT VERNON AVENUE
CHILD CARE HOME
Public Hearing and Consideration of a request of a special use permit to operate a child care home; zoned CL/Commercial Low. Applicant: Dawn Abate

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 6/21/05, and is incorporated as part of this record by reference.)

18. VACATION #2005-0002
632 SOUTH FAIRFAX STREET AND 211 SOUTH FRANKLIN STREET
STEVENS SWITCH, LLC
Public Hearing and Consideration of a request to vacate an area of public right-of-way; zoned CL/Commercial Low. Applicant: Stevens Switch, LLC by Duncan Blair, attorney
PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 6/21/05, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

Mayor Euille noted there was a request from staff to remove from the regular docket item #23 and put it on the consent calendar.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines, Council approved the action consent calendar, with the exception of docket items #8, 14, 16, 17, 18 and 23, which were considered under separate motions.

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
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7. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation.

11. City Council approved the Planning Commission recommendation.
12. City Council approved the Planning Commission recommendation.
13. City Council approved the Planning Commission recommendation.
15. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Krupicka	absent
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

8. SPECIAL USE PERMIT #2005-0034
701 & 703 NORTH WASHINGTON STREET
EXXONMOBIL CORPORATION
Public Hearing and Consideration of a request for a special use permit to continue the operation of a service station with an ancillary convenience store; zoned CD-X/Commercial Downtown. Applicant: ExxonMobil by Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 6/21/05, and is incorporated as part of this record by reference.)

Councilman Smedberg asked questions about the extension of time for the special use permit, which were answered by Mr. Josephson and Ms. Fogarty.

Cathy Puskar, attorney representing the applicant, noted this is a long-standing gas station and has operated very well and intends to stay there for awhile and 10 years is a reasonable length for the station.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Macdonald and carried unanimously, City Council approved the Planning Commission recommendation.

Smedberg	"aye"	Pepper	"aye"
Macdonald	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	absent
	Woodson	"aye"	

14. SPECIAL USE PERMIT #2005-0024
814 NORTH FAIRFAX STREET
BRUSCATOS DELI

Public Hearing and Consideration of a request for a special use permit to change the hours of operation and ownership of a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Mikhael Copty

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 6/21/05, and is incorporated as part of this record by reference.)

Councilman Smedberg asked about the proposed hours of operation versus what the new owner chooses to operate, which was answered by Mr. Josephson.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

16. ENCROACHMENT #2005-0001
699 PRINCE STREET
CANOPY

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a canopy; zoned CD/Commercial Downtown. Applicant: National Center for Missing and Exploited Children by Bill Shaffer

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 6/21/05, and is incorporated as part of this record by reference.)

Councilman Macdonald said the canopy seems very large and it seemed to encroach on a very busy thoroughfare.

Mr. Josephson said staff's impressions were the same, and they saw that the canopy was three to four feet from the curb line, so it doesn't impose any danger or safety hazard.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice

Mayor Pepper and carried 5-0, City Council approved the Planning Commission recommendation. The voting was as follows:

Macdonald	"aye"	Gaines	abstain
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
Woodson	"aye"		

Councilman Gaines noted that he would recuse himself from the vote, as he has consulting opportunities with the Center for Missing and Exploited Children.

17. SPECIAL USE PERMIT #2005-0033
2406 MOUNT VERNON AVENUE
CHILD CARE HOME

Public Hearing and Consideration of a request of a special use permit to operate a child care home; zoned CL/Commercial Low. Applicant: Dawn Abate

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 6/21/05, and is incorporated as part of this record by reference.)

The following person participated in the public hearing on this item:

Amy Slack, 2307 E. Randolph Avenue, said that when she handed in the speakers form, it was unclear that there was an issue that had been resolved between the applicant, the landlord and staff on condition #11 to remove the garage.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Krupicka	absent
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
Woodson	"aye"		

18. VACATION #2005-0002
632 SOUTH FAIRFAX STREET AND 211 SOUTH FRANKLIN STREET
STEVENS SWITCH, LLC

Public Hearing and Consideration of a request to vacate an area of public right-of-way; zoned CL/Commercial Low. Applicant: Stevens Switch, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 6/21/05, and is incorporated as part of this record by reference.)

The following participated in the public hearing on this item:

(a) Duncan Blair, attorney representing the applicant, spoke in support of the request for vacation.

(b) Alice Myers, 406 Jefferson Street, said Franklin Street has always been wide and vacating is crude and an injustice.

(c) Julie Crenshaw, 816 Queen Street, said the BAR will decide the demolition of the site, and that item has been deferred and not approved, and she spoke of the deferral. Ms. Crenshaw said this should be deferred before Council as the BAR has not said they can demolish the site and the owners have said they do not wish to maintain the commercial aspects of it, and it should be deferred until Council knows what will happen with the buildings.

Councilman Macdonald said it would be prudent for Council to defer this item until it has further notice and understanding of the demolition and proposed uses of the site.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilwoman Woodson and carried unanimously, City Council deferred this item until the Board of Architectural Review acts on the demolition request.

Macdonald	"aye"	Pepper	"aye"
Woodson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

23. SPECIAL USE PERMIT #2005-0035
3314 JEFFERSON DAVIS HIGHWAY
CONVENIENCE STORE

Public Hearing and Consideration of a request for a special use permit to continue the operation of a nonconforming convenience store use; zoned CSL/Commercial Service Low. Applicant: Mok Bae Lim

PLANNING COMMISSION ACTION: Recommend Approval w/amendments
7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 6/21/05, and is incorporated as part of this record by reference.)

Councilman Macdonald asked staff how it intends to make sure the property is made a little more attractive.

Mr. Josephson explained the conditions placed on the special use permit that will provide landscaping, sidewalk, an enclosure by the trash area and new signage on the building, and if the applicant doesn't do that, they don't proceed with the special use permit.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Krupicka	absent
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

19. DEVELOPMENT SPECIAL USE PERMIT #2003-0021
2707-2711 MOUNT VERNON AVENUE
THE LOFTS AT DEL RAY VILLAGE

Public Hearing and Consideration of a request for a development special use permit, with site plan, modifications, and subdivision, for the construction of a mixed-use building; zoned CL/Commercial Low in the Mount Vernon Avenue Overlay Zone. Applicant: Gaver Nichols
PLANNING COMMISSION ACTION: Recommend Approval w/amendments
7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 6/21/05, and is incorporated as part of this record by reference.)

There were questions from Council regarding green technology, parking, setback, trash cans and affordable housing contributions, which were answered by the Planning staff.

The following persons participated in the public hearing on this item:

- (a) Gaver Nicols, P.O. Box 2921, owner and project designer, explained that

they don't have the budget to contribute an affordable housing donation because of the numerous conditions, length of time for design and the costs incurred.

(b) Amy Slack, 2307 E. Randolph Avenue, said that personally, she said this was not a true form based zone, as a true form based zone does not care what goes inside of a building, and the applicant could put anything that was legal in this building, and under this special use permit, he is restricted as to what he can put in. Ms. Slack said that representing the Del Ray Citizens Association, the applicants came to the land use meeting on May 19 to discuss the proposal, and the membership in general has expressed support for the project overall.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, Council approved the Planning Commission recommendation.

Mayor Euille read the names of those who were signed up to speak in favor of the request: Gaver Nicols, Jim Snyder and Marlin Lord.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

20. DEVELOPMENT SPECIAL USE PERMIT #2005-0009
3750 JEFFERSON DAVIS HIGHWAY
ALEXANDRIA TOYOTA

Public hearing and Consideration of a request for an extension of a development special use permit, with site plan to construct a parking structure; zoned CDD-7/Coordinated Development District. Applicant: Alexandria Toyota by Harry Hart, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation.

Councilman Macdonald asked questions about restoring/revitalizing Four Mile Run.

(a) Harry Hart, 307 N. Washington Street, representing the applicant, said there is substantial landscaping that needs to be done along Four Mile Run, and this is some considerable distance off of Four Mile Run and that landscaping has to be done within a year. Mr. Hart said there has been very substantial beautification requirements with regard to the facade of the garage and it has to look very good.

In response to a question from Councilman Macdonald, Mr. Skrabak explained the things being done in this building to minimize the run-off impact into Four Mile Run.

The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

21. SPECIAL USE PERMIT #2005-0050

1210 QUEEN STREET

CROMLEY LOFTS

Public Hearing and Consideration of a request for a special use permit, with plot plan to increase the floor area ratio (FAR) and a parking reduction; zoned CRMU-M/Commercial Residential Mixed Use. Applicant: Cromley Lofts, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 6/21/05, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report.

The following persons participated in the public hearing on this item:

(a) Duncan Blair, 524 King Street, attorney representing Mr. Cromley, introduced those in the audience on the development team that were present. Mr. Blair spoke in favor of the request.

(b) Dan Koslov, 1219 Queen Street, spoke in opposition to the request and said it is based on the number of units.

(c) Douglas Meick, 1103 N. Royal Street, spoke in opposition to the request.

(d) Charles Curtis, 215 N. Payne Street, spoke in favor of the request.

(e) Edward Jiran, 526 Tobacco Quay, spoke in favor of the request.

- (f) Greg Peeples, 1105 Queen Street, spoke in favor of the request.
- (g) Charles Tony Gee, 830 Oronoco Street, spoke in favor of the request.
- (h) Leslie Zupan, 1309 Queen Street, spoke in opposition to the request.
- (i) Brooks A. Armandroff, 902 Oronoco Street, spoke in favor of the request.
- (j) Amy Harris-White, 621 N. West Street, speaking on behalf of the Inner City Civic Association, said the Association voted to support the 1210 proposal as presented. Ms. Harris-White said that speaking for herself, she spoke in favor of the request.
- (k) Jada Jones, 423 N. Alfred Street, #1, spoke in favor of the request.
- (l) Carolyn Nash, 523 N. West Street, asked Council to defer the matter until there is some provision made for adequate parking.
- (m) Joseph Shumard, 809 Oronoco Street, spoke in favor of the request.
- (n) Carmella Bocchino, 820 South Fairfax Street, spoke in favor of the request.
- (o) Jodi Orr, 212 N. Alfred Street, spoke in favor of the request.
- (p) Patricia Schubert, 907 Oronoco Street, said she is second vice president of the Inner City Civic Association, and she spoke in favor of the request.
- (q) Barbara Sumner, 417 N. Alfred Street, spoke in favor of the request.
- (r) Wayne Nealie, 405 N. Alfred Street and 1215 Cameron Street, speaking as a citizen and representing Rust, Orling and Nealie Architects, spoke in favor of the request.
- (s) Ed Luckett, 420 N. Alfred Street, spoke in favor of the request.
- (t) Melissa Luby, 312 1/2 N. Henry Street, spoke in favor of the request.
- (u) Elder Leon R. Haines, 1120 Queen Street, Antioch Church of Christ, spoke in opposition to the request.
- (v) Suzanne Reifman, 912 Princess Street, spoke in favor of the request.
- (w) Mary Noel McMillian, 530 N. Columbus Street, spoke in favor of the request.

- (x) Jim Carey, 811 Oronoco Street, spoke in favor of the request.
- (y) Betsy Lowry, 308 N. Fayette Street, spoke in favor of the request.
- (z) Mary Alyce Delaplane, 124 N. Patrick Street, spoke in favor of the request.
- (aa) Christian Burch, 402 N. Fayette Street, spoke in favor of the request.
- (bb) Nensi Fiorenini, 421 N. Fayette Street, spoke in favor of the request.
- (cc) Teri D. Webster, 1208 Princess Street, spoke in opposition to the request.
- (dd) Thomasine Hollis, 1310 Queen Street, and representing her mother, spoke in opposition to the request.
- (ee) David Zuckerkandel, 622 S. Pitt Street, acting chairman of the Board of Architectural Review for Parker-Gray, spoke in favor of the demolition and concept portion of the request.
- (ff) Ellen Mosher, 1312 Princess Street, spoke in opposition to the request.
- (gg) John Arnold, 1316 Queen Street, spoke in opposition to the request.
- (hh) Brian Madey, 403 N. Fayette Street, spoke in favor of the request.
- (ii) Nancy Jenkins, 232 N. Payne Street, spoke in opposition to the request.

Mr. Blair, speaking in rebuttal, reiterated issues for special use permit parking exemption and extension, spoke about this block being the least burdensome block of anywhere in the parking study and has more parking available, diversity of housing stock has been a City goal, and this is a great precedent for the parking issue.

Questions were asked by Council with regard to the parking concerns and the fire hydrant placement, which were answered by Mr. Farner, Ms. Fogarty, Mr. Blair and Mr. Cromley, the applicant.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
Smedberg	"aye"		

* * * * *

City Council took a 20 minute recess at this time.

* * * * *

Board of Architectural Review

22. Case BAR 2005-0104 - Appeal - Board of Architectural Review, 1210 Queen Street, CRMU-M Commercial. Appeal of the BAR's decision approving a permit to demolish/encapsulate. Applicant: William Cromley. Appellant: Leslie D. Zupan on behalf of petitioners.

(A copy of the Planning Commission report dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 6/21/05, and is incorporated as part of this record by reference.)

Mr. Phipps made a presentation of the staff report.

The following persons participated in the public hearing on this item:

- (a) David Zuckerkandel, 622 S. Pitt Street, acting chairman of the Board of Architectural Review for Parker-Gray, spoke against the appeal.
- (b) Douglas Meick, 1103 N. Royal Street, spoke against the appeal.
- (c) Leslie Zupan, 1309 Queen Street, the appellant, spoke in favor of the appeal.
- (d) Poul Hertel, 1217 Michigan Court, spoke in favor of the appeal.
- (e) Duncan Blair, 524 King Street, attorney representing Mr. Cromley, spoke against the appeal.

A MOTION WAS MADE by Councilman Macdonald to uphold the appeal and ask the demolition not occur. The motion died for lack of a second.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried 5-1, City Council upheld the BAR decision to approve the permit to demolish and encapsulate. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"no"
	Smedberg	"aye"	

The following item was heard out of order at this time.

34. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code to Regulate the Operation of Mopeds and "Pocket Bikes." (#19, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 34, 6/21/05, and is incorporated as part of this record by reference.)

Councilman Gaines noted three changes from the City Attorney that would make the proposed ordinance tighter and the provisions equally applicable. One was a definition of sidewalk, a definition of highway or public vehicular area, and the other was a definition of City street or public vehicular area.

There were questions from Council regarding the State Code definition of mopeds, and what the manufacturers define them as, which were answered by City Attorney Pessoa.

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed an ordinance to amend the provisions of the City Code to regulate the operation of mopeds and pocket bikes, as amended by language submitted by the City Attorney. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Macdonald	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4410

AN ORDINANCE to amend and reordain Section 10-3-7 (DRIVING ON SIDEWALKS), Section 10-3-13 (RIDING UPON MOTORCYCLES AND PLACE OF OPERATION OF MOTORCYCLES AND MOPEDS), all of Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC); and to add a new Section 10-3-16 (OPERATION OF MOTORCYCLES ON CITY STREETS) to Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND

TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-3-7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-7 Driving on sidewalks.

No person shall drive any vehicle, including bicycles, *mopeds* and motorcycles, upon any sidewalk except while actually crossing the sidewalk at a temporary or permanent driveway. As used in this section, "sidewalk" means any public sidewalk or pedestrian walkway, park, square or plaza in the city; and any private sidewalk or pedestrian walkway, park, square or plaza in the city to which the general public is regularly afforded access by easement, invitation or license.

Section 2. That Section 10-3-13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-13 Riding upon motorcycles and place of operation of motorcycles or mopeds.

(a) A person operating a motorcycle as defined in section 10-1-1 herein, but excluding four-wheeled and three-wheeled vehicles for the purpose of this subsection, shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, and no other person shall ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat for the operator. If such motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger. A person operating a motorcycle shall wear a face shield, safety glasses or goggles or have his motorcycle equipped with safety glass or a windshield at all times while operating said vehicle; and operators and passengers thereon, if any, shall wear protective helmets. Operators and passengers riding motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles which have nonremovable roof, windshield and enclosed body shall not be required to wear protective helmets.

(b) No moped shall be driven on any highway or public vehicular area (i) faster than 30 miles per hour, or (ii) by any person under the age of 16 years. Every person driving a moped shall carry some form of identification that includes the person's name, address and date of birth. As used in this subsection, "highway or public vehicular area" means any public street, parking lot or parking structure, and any private street, parking lot or parking structure to which the general public is regularly afforded access

by easement, invitation or license, but excluding sidewalks as defined in section 10-3-7.

(c) Every person operating a moped on a public street or highway shall wear a face shield, safety glasses or goggles of a type approved by the superintendent of state police, or have his moped equipped with safety glass or a windshield, at all times while operating such vehicle, and operators and all passengers thereon shall wear protective helmets of a type approved by the superintendent.

(d) No person shall operate any motorcycle or moped upon any public property in the city, except that this provision shall not apply to the operation of such vehicles upon the streets in compliance with applicable sections of this code and of the Code of Virginia (1950), as amended, nor shall this provision apply to the operation of publicly owned motorcycles, of emergency vehicles, or of implements including self-propelled mowers designed and used for mowing lawns. This provision shall be applicable only where there has been posted upon the property in question a sign or signs including that such operation is prohibited by the use of the words "motorcycle or moped riding prohibited" or words of similar import.

(e) Any person who violates subsection (a) or (d) shall be guilty of a class 3 misdemeanor and shall be punished as provided in section 1-1-8 of this code. Any person who knowingly violates subsection (b) or (c) shall be guilty of a traffic infraction and shall be subject to a fine of not more than \$50.

Section 3. That Title 10 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 10-3-16 to read as follows:

Sec. 10-3-16 Operation of motorcycles on City streets.

(a) No person shall ride or drive any motorcycle on any city street or public vehicular area unless such person is licensed in accordance with Title 46.2 of the Code of Virginia.

(b) No person shall ride or drive any motorcycle on any city street or public vehicular area unless such motorcycle is equipped with all safety equipment required by state law for a motorcycle and the motorcycle is licensed or registered by the Virginia Division of Motor Vehicles.

(c) As used in this section, "city street or public vehicular area" means any public street, parking lot or parking structure in the city, and any private street, parking lot or parking structure in the city, to which the general public is regularly afforded access by easement, invitation or license, but excluding sidewalks as defined in section 10-3-7.

Section 4. That this ordinance shall become effective at the time and on the date of final passage.

The following item was heard out of order at this time.

25. Subdivision #2005-0002 - Appeal - 227 North Latham Street, R-8/Residential. Appeal of the Planning Commission's decision denying the subdivision of the subject property into two lots. Applicant and Appellant: Barry E. Seymour by Catharine Puskar, attorney

(A copy of the Planning Commission report dated June 13, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25, 6/21/05, and is incorporated as part of this record by reference.)

Mr. Josephson made a presentation of the staff report.

The following persons participated in the public hearing on this item:

- (a) H. Stewart Dunn, Jr., 418 S. Lee Street, representing the Planning Commission, expressed the Commission's support for denying the subdivision.
- (b) Mary B. White, 486 N. Latham Street, spoke against the appeal.
- (c) Sissy Walker, 498 N. Latham Street, spoke against the appeal.
- (d) Barry Cox, 334 N. Latham Street, spoke against the appeal.
- (e) Steve Johnson, 327 N. Latham Street, spoke against the appeal.
- (f) Frances B. Newhouse, 316 N. Langley Street, spoke in support of the appeal.
- (g) Jeff Bernholz, 4708 Richmarr Place, spoke against the appeal.
- (h) Mark Dowling, 336 N. Latham Street, spoke against the appeal.
- (i) Ernest York, 4701 Surry Place, spoke against the appeal.
- (j) M. Catharine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, attorney representing the applicant, spoke in support of the appeal and went over the Code regulations for subdivisions.

Councilwoman Woodson asked questions regarding the definition of lot and property, which was answered by Ms. Puskar.

Mayor Euille asked the staff or City Attorney to provide an interpretation of the regulation.

City Attorney Pessoa said it is a question of whether the new lots are compatible

with the existing lots in the neighborhood, and there are two different opinions on that. There is the opinion of the staff that they were and the opinion of the Planning Commission that they are not. It is now up to the Council as the ultimate deciders of fact to make its own conclusion as to the compatibility issue, and if Council finds them compatible, the subdivision should be approved. If Council finds them incompatible, then the subdivision should be denied.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilwoman Woodson and carried unanimously, City Council upheld the Planning Commission decision. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Woodson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

24. Public Hearing and Consideration of a Petition for an Extension of the 12 Month Period for a Day Labor Agency (Ace Temporaries) to Cease Operations Under Section 12-215 of the Zoning Ordinance.

(A copy of the Planning Commission report dated June 13, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24, 6/21/05, and is incorporated as part of this record by reference.)

City Attorney Pessoa explained that under the Zoning Ordinance, non-conforming uses which are facing a shut-down requirement are entitled to ask City Council to extend the deadline, which is known as the abatement period, within which they must close. The property owner has the burden of showing that the additional time is necessary to obtain a fair and reasonable return on their investment in the day labor agency, made before the shut-down period was imposed in October, 2003. He introduced Fred Wagner, from Beveridge and Diamond, representing the City, and Brent Soloman, the City's economic expert in the matter.

WHEREUPON, a motion was made by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously, to deny the request for an extension.

The following persons participated in the public hearing on this item:

(a) G. Michael Schlee, 712 Pendleton Street, spoke against the extension of allowing Ace Temporaries to operate.

(b) Anthony M. Aiken, CPA, 3975 University Drive, Suite 440, Fairfax, presented and explained Mr. Carlton's calculations of what he believes his investment is in Ace Temporaries and what the City believes his investment is, and how Mr. Carlton arrived at his calculation.

(c) Chuck Carlton, 711 Pendleton Street, property owner, spoke about his request for extension of the 12 month time period by showing why he could not achieve a fair and reasonable return on his investment, noting what he submitted to the City and how the City responded.

(d) Mike Mattock, 4310 Prince William Parkway, Suite 300, Prince William, attorney with Walsh, Colucci, Lubeley, Emrich and Terpak, speaking on behalf of the petitioners, spoke to the issue of whether the owner can earn a fair and reasonable return on its investment. He noted that a 12 month amortization period is not sufficient within which to earn a fair and reasonable return, and he submitted that Council must provide an extension of time in which the petitioners must conform their operation to the Zoning Ordinance. Mr. Mattock added that, based on the calculations they have submitted, they have determined that a 17 year amortization period would be required, and the City has stated that two years and two and a half years would be the amortization periods required.

(e) Frank Conner, 607 North Columbus Street, said Mr. Schlee's comments can stand for the rest of the neighbors.

Mr. Fred Wagner, with Beveridge and Diamond, spoke of the establishment of the abatement/amortization period for a day labor agency, what is a fair and reasonable abatement period, why it was established and why there are different abatement or amortization periods in the City and around the country.

Mr. Brent Soloman, the City's economic expert, explained the analysis in pieces and why some of the pieces require some judgement and what the factors were in reaching the conclusion.

Mr. Carlton, speaking again, rebutted some of the points made by Mr. Wagner and Mr. Soloman.

WHEREUPON, Councilman Smedberg amended his motion to include "and for Ace Temporaries to cease operation within 30 days of June 21, 2005." Councilman Gaines, as seconder of the motion, accepted the amendment.

The voting on the motion, as amended, was as follows:

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

Board of Architectural Review

26. Case BAR 2004-0197 - Appeal - Board of Architectural Review, 321 Queen Street, RM Residential. Appeal of the BAR's decision denying an after-the-fact

request for a shed and pergola. Applicant and Appellant: Gary and Mary Jean Smith.

(A copy of the Planning Commission report dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26, 6/21/05, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report. She noted that in the interim of the appeal, the neighbors and the applicant have reached a compromise, which staff supports, which is that the fence would be lowered by six inches in a couple of locations, the pergola would be lowered by 12 inches, and the shed would be removed.

WHEREUPON, a motion was made by Councilwoman Woodson, seconded by Vice Mayor Pepper, City Council moved to modify the BAR decision to incorporate the compromise as described by staff.

The following persons participated in the public hearing on this item:

(a) Michael Maibach, 325 Queen Street, said that as of 9:00 last night, their group of 21 reached a compromise and he spoke on behalf of all the people signed up to speak that they all accept the compromise. The compromise is that the pergola is 12 inches lower, two sections of the fence are lowered six inches, and the building is removed.

(b) Gary Smith, 321 Queen Street, the applicant, apologized to Council, the BAR and the staff for their error and their after-the-fact application to the BAR. Mr. Smith said they have reached a compromise with their neighbors and will send to the BAR a new shed design for the BAR approval and will work with the neighbors on the height, and the existing shed will be demolished.

Councilman Smedberg said that when they have the after-the-fact cases, it would be helpful for him to have a stronger justification from staff as to why staff would be putting forward a report saying they support the project in an after-the-fact case.

The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

27. Case BAR 2005-0097 - Appeal - Board of Architectural Review, 101 Queen Street, RM Residential. Appeal of the BAR's decision denying a vinyl-clad window. Applicant and Appellant: James Slear.

(A copy of the Planning Commission report dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27, 6/21/05, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report.

The following persons participated in the public hearing on this item:

(a) Arthur Keleher, 208 N. Royal Street, representing the Board of Architectural Review, Old and Historic District, explained the BAR's decision.

(b) James Slear, 101 Queen Street, the applicant, spoke in favor of the appeal.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council upheld the Board of Architectural Review decision. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

* * * * *

Councilman Gaines left the meeting at this time.

* * * * *

ORDINANCES AND RESOLUTIONS

28. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions in the City Code Regulating Inoperable Motor Vehicles. (#13, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28, 6/21/05, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 28, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed an ordinance

to amend the provisions of the City Code regulating inoperable motor vehicles. The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4404

AN ORDINANCE to amend and reordain Section 5-8-61 (DEFINITIONS), Section 5-8-63 (UNLAWFUL TO KEEP; EXCEPTIONS), Section 5-8-64 (REMOVAL OF INOPERABLE VEHICLE; REMEDIES FOR FAILURE TO REMOVE; COSTS) and Section 5-8-65 (CIVIL VIOLATION AND PENALTY), all of Article D (INOPERABLE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article D of Chapter 8, Title Five of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-61 Definitions.

The following terms shall, for purposes of this article, have the meanings set forth below.

(1) Motor vehicle or vehicle means any motor vehicle, trailer or semitrailer, or any part thereof, as defined in section 46.2-100, Code of Virginia (1950), as amended.

(2) Inoperable motor vehicle means any motor vehicle which:

- (i) is not in operating condition;
- (ii) for 60 or more days has been partially or totally disassembled, as evidenced by the removal of its wheels and tires, its engine, or one or more other components required for the operation of the vehicle;
- (iii) does not display valid state license plates; or
- (iv) does not display a state inspection decal which is valid or which was valid within the preceding 60 days.

(3) Shielded or screened from view means that the vehicle, whether covered or uncovered, is not visible by someone standing at ground level from outside of the

property on which the subject vehicle is located.

Section 3. That Section 5-8-63 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-63 Unlawful to keep; exceptions.

It shall be unlawful for any person, firm or corporation to keep on any private property in the city, except property zoned for industrial purposes, an inoperable motor vehicle, unless it is located within a fully enclosed building or structure or is otherwise shielded or screened from view. It shall also be unlawful for any person, firm or corporation to keep on any private property in the city, except property zoned for industrial purposes, more than one inoperable motor vehicle, located outside of a fully enclosed building or structure, which is shielded or screened from view. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing such vehicle and if it is shielded or screened from view, such vehicle and one additional inoperative motor vehicle that is shielded or screened from view being used for the restoration or repair may remain on the property. However, the provisions of this article shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Nor shall the provisions of this article apply to any antique motor vehicle, as defined in section 46.2-100, Code of Virginia (1950), as amended, so long as a bona fide effort is being made to repair or restore the vehicle and it is shielded in a manner to protect it from the weather and to make it unsuitable for rodent harborage.

Section 4. That Section 5-8-64 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-64 Removal of inoperable vehicle; remedies for failure to remove; costs.

(a) The occupant, and if different the owner, of the private property on which an inoperable motor vehicle is being kept in violation of this article shall be provided a written notice of said violation. The notice shall be provided by the fire marshal or the fire marshal's designee, or another city employee designated by the city manager, shall be posted both on the inoperable vehicle and in a conspicuous place on the property and, where the owner of the property is not its occupant, shall be mailed, by first class mail, to the owner at the address maintained by the city's office of real estate assessments. The notice shall identify the inoperable vehicle, describe the conditions of the vehicle which render it inoperable and in violation of this article, and shall state that, unless the conditions are remedied by a specified date, which date shall be at least ten days following the date on which the notice is posted or, if applicable and later, the date on which the notice was mailed, the vehicle will be removed by the city to an impoundment facility. In the event that the inoperable vehicle remains on the property

after the date specified in the notice, the fire marshal or the fire marshal's designee, or another city employee designated by the city manager, may remove the vehicle and place it in the city's impoundment yard or another impoundment facility.

(b) Within five days of any removal under subsection (a), the fire marshal or the fire marshal's designee shall provide a written notice to the owner, and if different the occupant, of the property from which the inoperable motor vehicle was removed and, if different, to the owner of record of the impounded vehicle. The notice shall be sent by registered or certified mail, return receipt requested, and shall state the following: (i) the year, make, model and serial number of the impounded vehicle; (ii) the location of the impoundment yard where it is being held; (iii) that the owner of the vehicle and any person having a security interest in the vehicle may reclaim the vehicle within 15 days from the date of the notice, after the payment of all removal and storage costs resulting from the removal and storage of the vehicle, and after providing an assurance that the vehicle will be brought into compliance with this article; and (iv) that the failure of the vehicle owner to reclaim the vehicle within the time provided shall constitute both a waiver by the owner of all right, title and interest in the vehicle, and the owner's consent to the disposition of the vehicle by the city. If the inoperable vehicle is not reclaimed within the time specified in the notice, the city may dispose of the vehicle.

(c) The costs incurred by the city in removing, storing and disposing of an inoperable motor vehicle in excess of any proceeds derived from the sale of the vehicle shall be assessable against the owner of the property from which the vehicle was removed, the occupant of the property on the date the vehicle was removed, and the owner of the vehicle, and may be collected as taxes and levies are collected. The costs assessed against the owner of the property from which the vehicle was removed shall constitute a lien against such property, and the lien shall continue until actual payment of the costs have been made.

Section 5. That Section 5-8-65 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-65 Civil violation, penalty and reconsideration

(a) A person receiving a notice under section 5-8-64(a) which describes the conditions of a motor vehicle that render the vehicle inoperable shall remove or otherwise remedy the conditions within the time period set out in the notice, and failure to do so shall constitute a violation of this section. Said violation shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code; provided, that the penalty shall be \$100 for a person's first violation of this section occurring in any six-month period, shall be \$250 for a person's second violation occurring within the six-month period, and shall be \$500 for each additional violation by a person occurring the six-month period.

(b) Within five days of receipt of a notice issued under Sec. 5-8-64, the recipient

may request in writing that the Director of Code Enforcement reconsider the determination that the vehicle is inoperable, and may include with such request any supporting documentation or other evidence. The vehicle shall not be removed for impoundment while such request is pending. The Director of Code Enforcement shall review the request, and notify the requestor in writing of the Director's decision. If the Director confirms the determination, such written notification shall serve as new notice provided pursuant to Sec. 5-8-64(a).

Section 6. That this ordinance shall become effective July 1, 2005.

29. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code to Enhance Enforcement Options for Motor Vehicles on Which Personal Property Taxes Are Delinquent. (#14, 6/14/05)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 29, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance to enhance enforcement options for motor vehicles on which personal property taxes are delinquent.

Councilman Smedberg said they should pay close attention on making sure they identify people who have a car or more than one car with out-of-state tags.

The voting was as follows:

Macdonald	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4405

AN ORDINANCE to add a new Section 3-2-230.1 (DISTRRAINT OF MOTOR VEHICLE DELINQUENT ON PERSONAL PROPERTY TAXES) to Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS), of Article

M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 2 of Title 3, Division 3, of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is amended by adding thereto a new Section 3-2-230.1 to read as follows:

[The following is all new language]

Sec. 3-2-230.1 Distraint of motor vehicle delinquent on personal property taxes.

(a) Any motor vehicle found in the city which is delinquent on personal property taxes associated with that vehicle, as per Section 3-2-230 of this code, in the amount of \$100.00 or more, shall be subject to distraint. Distraint may be effected by seizure and removal of the vehicle's license plates, by immobilization of the vehicle to prevent its operation, or by seizure and removal of the vehicle itself. The Chief of Police, the Director of Finance, their designees, and any other city employee authorized in writing by the city manager, may enforce this section. No such vehicle found on private property shall be distrained unless written authorization to enforce this section on such property has been given by the owner or, when the property is held in common by an association of owners established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103 of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney's fees, that the owner may incur as a result of actions taken by the city pursuant to this section.

(b) Upon distraint, the city shall inform the owner of the vehicle as soon as practicable of the distraint and of the amount of taxes, penalty and interest and other charges due on the vehicle. Such notice shall also include notice of the procedures for an administrative hearing for return of the vehicle or license plates, consistent with subsection (e) below.

(c) Once a motor vehicle has been distrained by seizure of the license plates or immobilized in accordance with subsection (a) above, the vehicle's registered owner, or person authorized by the owner, shall be allowed one business day from the time of distraint to contact the Director of Finance and pay or make arrangements to otherwise resolve the outstanding personal property taxes. After the one business day, the City may remove such vehicle to a storage area for safekeeping under the direction of a police officer.

(d) The owner or lessee, or authorized agent thereof, of a distrained motor vehicle may secure the release of the vehicle by payment of the delinquent personal property taxes, interest and penalties, and reasonable costs incidental to the distraint,

immobilization and storage of the motor vehicle and to the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such amounts, or should the identity or whereabouts of such owner be unknown and unascertainable, the vehicle may be sold as provided by section 5-8-27 of this code.

(e)(1) Any owner or lessee, or authorized agent thereof, who contends that his or her vehicle was erroneously distrained, may file a request for a hearing before the Director of Finance or his designee, for release of such vehicle. Such hearing shall take place within one business day from the date that the Director of Finance or his designee receives notification of the request for a hearing.

(2) The requestor shall provide all of the grounds on which he or she contends that the motor vehicle was erroneously distrained. If the Director of Finance or his designee is satisfied that the motor vehicle was erroneously distrained, the city shall return the seized property to the owner. If the Director or his designee is not so satisfied, the requestor shall be informed in writing, and the vehicle shall be subject to release or sale pursuant to subsection (d) above.

Section 2. That this ordinance shall become effective upon the date and time of its final passage.

30. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code Establishing the City's Residential Rental Inspection and Permit Program. (#15, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 30, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed an ordinance to amend the provisions of the City Code establishing the City's residential rental inspection and permit program. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Krupicka	absent
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4406

AN ORDINANCE to repeal Article G (RESIDENTIAL RENTAL PERMITS), and to enact a revised Article G-1 (RESIDENTIAL RENTAL INSPECTION DISTRICTS), all of Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria Virginia, 1981, as amended.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. The City's current Residential Rental Permit Program authorizes the inspection of residential rental dwelling units for the purposes of protecting the public health, safety and welfare of City residents; and

3. At its 2004 session, the General Assembly enacted Virginia Code §36-105.1:1 which confirms the authority of local governments to inspect residential rental dwelling units, but amends the required process and procedure for establishing and conducting such inspections; and

4. Inspections conducted to date under the City's current program have confirmed the necessity of residential inspections, and demonstrated the need for the establishment of rental inspection districts as provided under Virginia Code §36-105.1:1, to protect the health, safety and welfare of the residents of the residential rental units located in such inspection districts, and further to prevent deterioration and blight in these districts; and

5. Upon consideration of the following factors, including but not limited to: the high proportion of rental units to total dwelling units in the districts; the age of buildings and structures in the districts; the high levels of complaints and/or history of code compliance violations in the districts; the history of residential structures that lack facilities that provide the minimum levels of health, safety and welfare to the occupants, overcrowding conditions and the need to prevent further deterioration of existing residential buildings in the districts; the establishment of rental inspection districts, as more particularly described in this Ordinance, is necessary to protect and maintain decent and sanitary living conditions for tenants and other residents within such districts and

6. Based on the foregoing findings, and all other facts and circumstances of which the City Council may take notice as the legislative body of the City of Alexandria, Virginia, adoption of this ordinance is necessary and convenient to protect the public health, safety and general welfare.

THE CITY COUNCIL OF ALEXANDRIA, HEREBY ORDAINS:

Section 1. That Article G, Chapter 1, Title 8 of the Code of the City of Alexandria Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 2. That Chapter 1, Title 8 of the Code of the City of Alexandria Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by adding thereto a revised Article G-1, to read as follows:

ARTICLE G-1

RESIDENTIAL RENTAL INSPECTION DISTRICTS

DIVISION 1 GENERALLY

Sec. 8-1-110 Purpose and Intent.

The purpose of this article is to require the inspection of residential rental dwelling units for compliance with the Building Code and to promote safe, decent and sanitary housing, in accordance with Code of Virginia §36-105.1:1.

Sec. 8-1-111 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

“Building Code” means the Virginia Uniform Statewide Building Code.

“Code Official” means the Director of the Code Enforcement Bureau of the Fire Department, the technical assistants who are employees of the Bureau, or any designee of the Director of the Code Enforcement Bureau.

“Conditions which immediately affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit” include items that violate fire safety; lack of or poor condition of sanitary facilities; absence of adequate heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that if not corrected would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants.

“Disqualifying Violation” includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the Building Code, or multiple building code violations that indicate in their totality that the dwelling unit is not being properly maintained.

“Dwelling Unit” means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household. The term “dwelling

unit" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled.

"Multiple-Family Development" means any structure, consisting of 10 or more residential rental dwelling units under common ownership and occupied for valuable consideration. The term "multiple-family development" shall not include mobile homes under common ownership in a mobile home park or subdivision; nor shall such term include single-family detached dwellings, duplex dwellings, or townhouse dwellings under common ownership.

"Owner" means the person or entity shown on the current real estate assessment books or current real estate assessment records of the City or the fee simple titleholder of the property if ownership has changed since such tax assessment records were last updated.

"Residential rental dwelling unit" means a dwelling unit that is leased or rented to one or more tenants month to month or for any period in excess of thirty (30) days including, but not limited to, condominiums, manufactured or mobile homes, single-family detached dwellings, duplex dwellings, townhouse dwellings or multi-family dwellings (which shall include efficiency apartments and condominiums). However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

DIVISION 2 RENTAL INSPECTION DISTRICTS

Sec. 8-1-112 Factors for Establishing Rental Inspection Districts.

After holding a duly advertised public hearing as required by the Code of Virginia, §36-105.1:1(C)(1), having duly given notice as required, City Council finds that within the inspection districts described in section 8-1-113 herein below, (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection districts; (ii) the residential rental dwelling units within the designated rental inspection districts are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the Code Official to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside said rental inspection districts, and (iii) the inspection of residential rental dwelling units inside the rental inspection districts is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the rental inspection districts.

Sec. 8-1-113 Rental Inspection Districts Established.

Based upon the findings of City Council as set forth in section 8-1-112 herein above, the following areas are included and hereby declared to be rental inspection

districts which are subject to the requirements of this article;

East District: Census tracts 7.00, 8.02, 12.02, 12.03, 12.04, 13.00, 14.00, 16.00, 18.01, 18.02, and 20.01.

West District: Census tracts 1.01 ,1.03, 1.04, 1.05, 3.01, 3.02, 3.03, 4.01, 4.02, 5.00, and 6.00.

A map showing the rental inspection districts described in section 8-1-113 is hereby adopted as a part of this article, and shall be available for public inspection in the Code Enforcement Bureau. Said districts are hereinafter referred to collectively as "inspection districts" and individually as "inspection district."

Sec. 8-1-114 Applicability.

The provisions of this article shall apply to residential rental dwelling units located within the districts identified in section 8-1-113 of this article and shall further apply to certain structures located outside of such districts but meeting the requirements of section 8-1-115(g) herein below.

DIVISION 3
INSPECTION

Sec. 8-1-115 Inspection and Certificate Required.

(a) The Code Official may, in conjunction with the written notifications provided for in section 8-1-112, proceed to inspect dwelling units in the designated rental inspection districts to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for tenants of such property.

(b) The owner of each residential rental dwelling unit located in an inspection district shall arrange for and permit an initial inspection and subsequent inspections of such residential rental dwelling unit as provided in this section and section 8-1-116. Inspections under this article shall be conducted by the City's Code Official who is charged with the enforcement of this article, or his designee. If the unit to be inspected is occupied at the time of a required inspection, it shall be the duty of the owner thereof to notify the occupants of such inspection and make the residential rental dwelling unit available for inspection.

(c) If inspection reveals that a residential rental dwelling unit has no disqualifying violations, the Code Official shall issue a 48-month Certificate of Compliance for such unit. However, if one or more violations of the property maintenance provisions of the Building Code are found that do not constitute a disqualifying violation, the existence of such non-disqualifying violations shall be noted on the 48-month Certificate of Compliance together with the date by which such non-disqualifying violations must be remedied, which date shall be determined by the Code Official and which date shall be

reasonable. The issuance of a Certificate of Compliance shall not be evidence of a lack of any and all building code violations, and shall not prevent the Code Official from conducting follow-up inspections regarding building code violations in the residential rental unit, whether or not the violations affect the safe, decent and sanitary occupancy of said unit. If a follow-up inspection reveals that the owner has failed to remedy the noted violations by the specified date, the Code Official shall issue a Notice of Violation, revoke the 48-month Certificate of Compliance and the unit shall thereafter be subject to annual inspections pursuant to section 8-1-116.

(d) If inspection of a residential rental dwelling unit reveals one or more disqualifying violations, the Code Official shall not issue a Certificate of Compliance until the disqualifying violations are satisfactorily remedied. However, the Code Official may issue a Temporary Certificate of Compliance if in the opinion of the Code Official such disqualifying violations do not constitute an immediate threat of injury to the occupants of such residential rental dwelling unit. If conditions warrant, however, the Code Official may require that the residential rental dwelling unit be vacated or remain unoccupied until brought into compliance, pursuant to his authority under Code of Virginia §36-98, et. seq., the Virginia Uniform Statewide Building Code. Upon compliance, the Code Official shall, as provided in section 8-1-116 of this article, issue an annual Certificate of Compliance.

(e) No annual inspection pursuant to this article shall take place more than one time each year, calculated from the date of the first inspection, unless additional inspections are necessary to ensure compliance. Nothing in this article shall alter the duties or responsibilities of the Code Official to conduct any other inspections, as allowed under the provisions of the Building Code, and inspections for obtaining a Certificate of Compliance under this article do not supplant or preclude any other inspection authorized under the Building Code.

(f) Unless a current Certificate or Temporary Certificate of Compliance is in force for a residential rental dwelling unit in accordance with the provisions of section 8-1-116 of this article, and such Certificate remains in effect, no owner of such unit shall permit any person to occupy such unit as a tenant or otherwise.

(g) An individual residential rental dwelling unit located outside of a rental inspection district shall nevertheless be subject to the terms of this article upon City Council making a separate finding for each such individual residential rental dwelling unit that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual residential rental dwelling unit; (ii) the individual residential dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for occupants of such individual dwelling unit. Upon said finding by the City Council, said residential rental dwelling unit shall be subject to this article, notwithstanding its location outside the inspection districts.

(h) Should the owner fail to timely contact the Code Enforcement within the

required time in order to schedule any inspection required under this article, or should such owner fail to allow such inspection to proceed on the date for which it was scheduled, the owner shall be in violation of this article and shall be subject to such penalties and enforcement remedies as provided in section 8-1-120 herein below.

Sec. 8-1-116 Certificates of Compliance; Applications and Exemptions.

(a) The following provisions shall apply to all residential rental dwelling units located within inspection districts, which are not exempted under subsection (b) of this section:

(1) The initial inspection of each residential rental dwelling unit which is subject to inspection under this article, unless the initial inspection is delayed under paragraph (a) of this section, shall take place no later than 120 days from the date that the owner thereof contacts the Code Enforcement Bureau to schedule such inspection. The Code Official shall inspect such unit within a reasonable time. Each residential rental unit, for which a Certificate of Compliance or 48-month Certificate of Compliance as described in (a)(7) below has been issued, shall be inspected again within 30 days from the expiration of either the Certificate or the revocation of a 48-month Certificate of Compliance.

(2) Prior to expiration of the Certificate of Compliance or 48-month Certificate of Compliance, or upon revocation of a 48-month Certificate of Compliance, the owner of such residential rental dwelling unit shall contact the Code Enforcement Bureau and arrange for an inspection of such unit. Except in the case of an inspection following revocation of a 48-month Certificate of Compliance, should the date scheduled for inspection fall after expiration of the current Certificate, and more than thirty days from the day on which the owner contacted the Code Enforcement Bureau to schedule inspection, a thirty-day Temporary Certificate of Compliance shall be issued. Said inspection shall take place no later than 30 days from the date of application for said inspection, and such Temporary Certificate shall expire on the date of the inspection.

(3) For Building Code violations which do not immediately affect the safe, decent and sanitary living conditions for persons living in such unit, provided that all inspection fees shall have been remitted in advance of the issuance of such Temporary Certificate of Compliance, the Code Official shall issue one Temporary Certificate of Compliance valid for thirty (30) days, and may permit such extensions thereof as the Code Official shall deem reasonably necessary to allow for remediation of the violations. However, as to Building Code violations which are disqualifying violations and which pose an immediate threat to the safe, decent and sanitary living conditions for persons living in such unit, then the Code Official shall not issue a Temporary Certificate of Compliance.

(4) Temporary Certificates of Compliance shall expire upon the earlier of either their stated expiration dates or the completion of an inspection which finds all violations have been remedied.

(5) Unless a residential rental unit in an inspection district is exempted from

inspection under this Article, or receives a 48-month Certificate of Compliance as provided in subsection (a)(6) below, the term of a Certificate of Compliance issued for any residential rental dwelling unit in an inspection district shall be for a term of twelve (12) months, beginning with the first day of the month next following the month of issuance.

(6) A residential rental dwelling unit which, upon inspection under this article, either has no disqualifying violations, or has only one or more violations of such Code that do not affect the safe, decent and sanitary living conditions for persons living in such unit, shall not be subject to further annual inspection under this article for forty-eight (48) months from date of such annual inspection, except as provided in section 8-1-115, and a 48-month Certificate of Compliance shall be issued for such unit. However, if a residential rental dwelling unit covered by a 48-month Certificate of Compliance is found in violation of the Building Code during the term of such 48-month Certificate of Compliance, the Code Official may revoke such 48-month Certificate of Compliance and such unit shall thereupon become subject to annual inspections and the issuance of annual Certificates of Compliance. If an annual Certificate of Compliance is issued after the inspection necessitated by the violation of the Building Code and revocation of the extended Certificate of Compliance, then said residential rental dwelling unit shall again be eligible for an extended Certificate of Compliance only after the annual Certificate of Compliance has expired and as of the first subsequent annual inspection when no disqualifying violations are found.

(7) Should a residential rental dwelling unit be sold, or the title thereto be otherwise transferred to another owner during the term of any Certificate of Compliance issued for such unit, the term of such Certificate shall continue and will expire 48 months from the original issuance date, unless disqualifying Building Code violations are found, in which case the exemption previously granted maybe revoked.

(b) The following shall be exempt from the requirements of this article for the time periods indicated:

(1) No inspection of a newly constructed residential rental dwelling unit located in an inspection district shall be required within forty-eight (48) months of the issuance of a Certificate of Occupancy for such newly constructed unit. Thereafter, said unit shall in all respects become subject to the requirements of this article.

(2) All hotels, motels, inns, bed and breakfast establishments, and other similar facilities, to the extent occupied by transients, shall be exempt from compliance with this article.

Sec. 8-1-117 Multi-family Developments.

(a) If a multi-family development contains more than 10 residential rental dwelling units during the initial and annual inspections, the Code Official shall inspect no less than two units and not more than 10 percent (10%) of the residential rental dwelling

units.

(b) Notwithstanding the number of residential rental dwelling units inspected in a multi-family development, the Code Official shall charge the fee authorized by this article for inspection of no more than 10 dwelling units.

(c) If the Code Official determines upon inspection of a sampling of dwelling units in accordance with subsection (a) above that there are violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such multi-family development, the Code Official may inspect as many dwelling units as he deems reasonably necessary to enforce the Building Code, in which case the fee shall be based upon a charge per dwelling unit inspected, notwithstanding the provisions of subsection (b) of this section.

DIVISION 4

CERTIFICATE ISSUANCE, INSPECTION FEES AND ENFORCEMENT

Sec. 8-1-118 Issuance of Certificate; Fees.

(a) Except as provided in section 8-1-117(c) above, there shall be a \$50.00 inspection fee for the inspection of each dwelling unit. If repairs or corrections are deemed necessary by the Code Official, and a reinspection is required, no additional fee shall be charged for the reinspection. If, however, subsequent reinspections are required, there shall be charged an additional fee of \$50.00 per dwelling unit for each subsequent unit reinspection. No reinspection shall be performed, nor any Certificate of Compliance be issued, until all fees have been paid.

(b) Requests for an inspection may be made by telephone; provided, however, that the Code Enforcement Bureau must, in all cases, receive notice from the owner and payment of the applicable inspection fees prior to conducting any inspection required under this Article.

(c) The Code Official shall issue a 48-month certificate, as provided in section 8-1-116 when, upon inspection, the Code Official determines that the residential rental dwelling unit has no disqualifying violations. The 48-month Certificate of Compliance shall be issued immediately upon completion of an inspection in which no disqualifying violations are found.

(d) If the dwelling unit fails to comply with any one or more provisions of the Building Code, and any amendments thereto, the Code Official shall furnish the owner with a written list of specific violations. Failure to list any violation shall not be deemed a waiver of enforcement of such violation. Upon the completion of all corrections and repairs, the owner shall arrange a reinspection of the residential rental dwelling unit. Reinspection shall be for the purpose of determining compliance by the owner with the written list of specific violations furnished to the owner by the Code Official. However, if upon reinspection, the Code Official discovers other violations that were not listed on

the written list of specific violations previously furnished to the owner, the Code Official shall furnish the owner with a supplemental list of violations and shall provide the owner a reasonable opportunity to make corrections. This provision, however, shall not preclude the Code Official from revoking the 48-month Certificate of Compliance if the subsequently discovered violations are disqualifying violations or if the non-disqualifying violations have not been corrected pursuant to sections 8-1-115 and 8-1-116.

Sec. 8-1-119 Appeals; effects.

(a) Any person aggrieved by any determination or decision of the Code Official made pursuant to this article shall have the right to appeal such determination or decision in accordance with the provisions of the Building Code, and amendments thereto.

(b) Nothing in this article shall be construed to limit, impair, alter or extend the rights and remedies of persons in their relationship of landlord and tenant as such rights and remedies exist under applicable law.

(c) Nothing in this article shall be construed to relieve or exempt any person from otherwise complying with all applicable laws, ordinances, standards and regulations pertaining to the condition of buildings and other structures.

(d) Nothing in this article shall be construed to limit the authority of the Code Official to perform housing inspections in accordance with applicable law.

Sec. 8-1-120 Violation; penalty; right of entry.

(a) Any person failing to comply with the inspection requirements of this article shall be subject to the civil penalties established below and as stated in section 8-1-6.

(b) Any person failing to comply with this article shall be subject to a \$100.00 dollar civil penalty to be assessed for any one (1) violation for the initial summons. An additional \$150.00 penalty may also be assessed for each additional summons from the date notice is first given for each property, for failure to arrange for inspection or to obtain a Certificate of Compliance, as required by this article.

(c) Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be cited more frequently than once in a ten day period and in no event shall a series of such violations result in civil penalties exceeding a total of \$3,000.00.

(d) The remedies set forth in (a) and (b) of this section are not the exclusive remedies for non-compliance with the requirements of this article, and the Code Official may take such further actions as allowed by applicable law in order to ensure compliance with the requirements of this article including, but not limited to, seeking injunctive relief and obtaining inspection warrants.

Sec. 8-1-121 Regulations implementing article.

The city manager may establish regulations which shall be approved by resolution of city council, governing the implementation of the provisions of this article.

Section 2. This ordinance shall be effective July 1, 2005.

31. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code to Allow Home Daycare and Health Care Providers to Obtain Permits to Park in Residential Permit Parking Districts. (#16, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 31, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald and seconded by Vice Mayor Pepper, City Council moved approval of an ordinance to allow health care providers and home day care providers to obtain permits to park in residential permit parking districts.

Councilman Macdonald noted for the record that his mother has a health care worker at her home. He asked how the permit would be handled for people working shifts.

Finance Director Neckel noted that one permit would be given that would be moved from car to car. Mr. Neckel also answered questions on the permitting process, in response to questions from Council.

WHEREUPON, Councilman Macdonald amended the motion to delete all references to permits for day care providers from the ordinance, with a time limit of one year. Vice Mayor Pepper, as seconder of the motion, accepted the amendment. The motion carried unanimously by roll-call vote. The voting was as follows:

Macdonald	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4407

AN ORDINANCE to amend and reordain Section 5-8-74, Article F (PERMIT PARKING DISTRICTS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-8-74 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Section 5-8-74 Parking permits; issuance.

Except as provided in subsection (6), the city manager shall, upon payment of the fee provided for by this article, issue permits to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

(1) to persons who reside in a permit parking district or to persons who both reside in a dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or the manager's designee:

(a) one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from July 1 or, if later, the date of issuance through November 15 of the following year. Applicants for permits issued pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city; and

(b) one permit per residence for a health care provider providing health care services at the residence. Permits issued under this paragraph (b) are not vehicle specific and may be transferred to different vehicles, but the use of such permits other than by persons providing health care services at the residence or other than during such times as they are providing health care services at the residence (or are in the immediate process of coming or going from the residence in connection with providing health care services at the residence) is prohibited. Such permits shall be valid for up to one year and will expire on October 5, annually. Applicants for permits issued

pursuant to this paragraph (b) shall provide proof of residence, a notarized certification that a permanent resident is receiving health care services at the residence, and a written statement from a licensed medical professional that a permanent resident is receiving health care services at the residence. The provisions of this paragraph (b) shall expire on June 30, 2006, and no permit issued hereunder shall be valid after such date.

For permits issued to a person or renewed pursuant to paragraph (a) of this subsection, there shall be imposed a fee of \$15 for the first vehicle, \$20 for the second vehicle, and \$50 for each additional vehicle. Any person who has been issued a permit for a vehicle pursuant to paragraph (a) of this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1. For permits issued to a person or renewed pursuant to paragraph (b) of this subsection, there shall be imposed a fee of \$50 per permit.

(2) to persons who are visitors at a residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more than two visitors to the same residence at the same time. A \$5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.

(3) to persons who are guests at a residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residence, which permit shall be valid for a date certain or portion thereof; provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued his residence will be used and occupied in a manner which is both lawful and not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 self-validating guest permits shall be issued in any calendar month for the guests of any residence located in a permit parking district upon the application of a person residing in the residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which the permit is issued.

(4) to persons doing business with a resident of a permit parking district on the application of the resident, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residence at the same time. No permit shall be

issued pursuant to this subsection for a period longer than the time estimated by the resident to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.

(5) whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.

(6) permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4).

Section 2. That this ordinance shall become effective July 1, 2005.

32. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code to Reform the BPOL Tax. (#17, 6/14/05)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 32, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance to amend the provisions of the City Code to reform the BPOL tax. The voting was as follows:

Smedberg	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4408

AN ORDINANCE to amend and reordain Sections 9-1-4 (LICENSE YEAR) , 9-1-6 (LEVY), 9-1-12 (PENALTY FOR FAILURE TO PAY WHEN DUE), 9-1-18 (BEGINNER'S LICENSE WHEN TAX IS BASED ON GROSS RECEIPTS),

9-1-42 (INVESTIGATIONS GENERALLY, RECORD-KEEPING, AUDIT AUTHORITY), 9-1-43 (APPEALS), and 9-1-44 (ADMINISTRATIVE RULINGS), and to enact new Sections 9-1-43.1 (ADMINISTRATIVE APPEAL TO STATE TAX COMMISSIONER), and 9-1-43.2 (JUDICIAL REVIEW OF DETERMINATION OF STATE TAX COMMISSIONER), of Article A (GENERAL PROVISIONS); to amend and reordain Section 9-1-78 (WHOLESALE MERCHANTS) of Article C (NONREGULATORY LICENSES), and to amend and reordain Section 9-1-116 (SAME-FEES) of Article E (DISTRESS MERCHANDISE SALES), all of Chapter 1 (BUSINESS LICENSES), Title 9 (LICENSING AND REGULATION), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 9-1-4, 9-1-6, 9-1-12, 9-1-18, 9-1-42, 9-1-43, and 9-1-44 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended and reordained, and that Sections 9-1-43.1, and 9-1-43.2 be, and the same hereby are, enacted as part of Article A, Chapter 1, Title 9, of the Code of the City of Alexandria, Virginia, 1981, as amended, to read as follows:

Section 9-1-4 License year.

Except where otherwise herein specifically provided, the license year shall begin on January 1 in each year and shall end on December 31 of each year. The business license shall remain valid until February 28 of the following year.

Section 9-1-6 Levy.

- (a) For the privilege of engaging in a business in the city, there are hereby levied upon, and there shall be assessed against and collected from, the person engaging in the business an annual license tax as set forth in this chapter, which license tax shall be for the support of the city government, the payment of the city debts and interest thereon and for other municipal purposes.
- (b) Except as provided in section 9-1-18 of this chapter, any license tax which is based in whole or in part on gross receipts shall be measured by the gross receipts from the base year as defined in section 9-1-2 of this chapter.

Section 9-1-12 Penalty for failure to pay when due.

- (a) There shall be a penalty of 10 percent or \$10, whichever is greater, added to all license taxes levied under the provisions of this chapter that are unpaid on the due dates thereof and are, therefore, delinquent.

- (b) Penalty shall commence on the first day following the day such taxes are due.
- (c) Penalty and interest shall not be imposed, or if imposed shall be abated, by the director if the failure to pay license taxes when due was not the fault of the licensee. In order to demonstrate lack of fault, the licensee must show that he acted responsibly and that his failure to pay was due to events beyond his control. The term "acted responsibly" means that (i) the licensee exercised the same care that a reasonable and prudent person engaged in business would have exercised in determining the filing obligations for the business, and (ii) the licensee undertook significant steps to avoid or to mitigate his failure, such as promptly rectifying the failure once discovered.

Section 9-1-18 Beginner's license when tax is based on gross receipts.

- (a) Every person beginning a business which is subject to a license tax under the provisions of this chapter based in whole or in part on gross receipts shall estimate the amount of the gross receipts that he will receive between the date of beginning business and the end of the then current license year, and the license tax for the current year shall be computed upon that estimate, according to the provisions of this section, except as provided in Section 9-1-18(f).
- (b) For the first calendar year of operation of the business (the then current license year), the license tax shall be at the applicable amount, based upon estimated gross receipts for that year, as follows:
 - (1) if the estimated gross receipts for the first year are less than \$100,000, \$0;
 - (2) if the estimated gross receipts for the first year are greater than or equal to \$100,000, but less than \$2,000,000, \$50; or
 - (3) if the estimated gross receipts for the first year are greater than or equal to \$2,000,000, an amount as determined at the applicable rate.
- (c) For the second calendar year of the operation of the business:
 - (1) if the actual gross receipts for the previous year (the first calendar year of operation of the business) were less than \$2,000,000, and the estimated gross receipts for that previous year were less than \$2,000,000, the license tax shall be:
 - (A) if the actual gross receipts for the previous year were less than \$10,000, \$0;
 - (B) if the actual gross receipts for the previous year were at least \$10,000, but less than \$100,000, \$50; or

(C) if the actual gross receipts for the previous year were \$100,000 or greater, an amount as determined at the applicable rate; and

(2) if the actual gross receipts for the previous year (the first calendar year of operation of the business) were less than \$2,000,000, but the estimated gross receipts for that previous year were greater than or equal to \$2,000,000, the license tax shall be as follows, less the payment made on the prior year estimate excluding the \$50 flat fee component of the tax on the prior year estimate:

(A) if the actual gross receipts for the previous year were less than \$10,000, \$0;

(B) if the actual gross receipts for the previous year were at least \$10,000, but less than \$100,000, \$50; or

(C) if the actual gross receipts for the previous year were \$100,000 or greater, an amount as determined at the applicable rate; and

(3) if the actual gross receipts for the previous year (the first calendar year of operation of the business) were greater than or equal to \$2,000,000, the license tax shall be the total of:

(A) an amount determined at the applicable rate, based upon actual gross receipts for the previous year; and

(B) an amount determined, based upon estimated gross receipts for the second calendar year of operation of the business, as follows:

(i) if such gross receipts are estimated to be less than \$10,000, \$0;

(ii) if such gross receipts are estimated to be at least \$10,000, but less than \$100,000, \$50; or

(iii) if such gross receipts are estimated to be \$100,000 or greater, an amount as determined at the applicable rate; and all businesses under this subsection (c)(3) shall be subject to an adjustment for the license tax assessed in subsection (b) of this section.

(d) For the third and subsequent calendar years of the operation of the business, the license tax shall be based upon actual gross receipts for the immediately previous year, as follows:

(1) if the actual gross receipts for the immediately previous year were less than \$10,000, \$0;

(2) if the actual gross receipts for the immediately previous year were at least \$10,000, but less than \$100,000, \$50; or

(3) if the actual gross receipts for the immediately previous year were \$100,000 or greater, an amount as determined at the applicable rate; and for the third calendar year of the operation of the business only, all businesses that were assessed a license tax based upon estimated gross receipts under subsection (c)(3)(B) of this section shall be subject to an adjustment for that license tax assessed.

(e) Whenever a license tax is so computed upon estimated gross receipts of greater than \$2,000,000, any erroneous estimate shall be subject to correction. In the case of an underestimate, the director shall assess the person with any additional license tax found to be due after the close of the current license year, and, in case of an overestimate, the licensee shall be entitled to a credit upon his license taxes payable the following year.

(f) The provisions of this section shall not apply to the following business tax categories: renting by owners of dwelling units or commercial establishments, contractors, wholesale merchants, amusements, public utilities, and regulatory activities.

Section 9-1-42 Investigations generally; record-keeping; audit authority.

(a) The director may make investigations of the things and matters in this chapter laid to his charge, and shall have power to summon before him any person whom he believes may have knowledge or evidence touching upon the conduct of any business in the city or touching upon the possession or operation of any coin-operated machine in the city, and to require such person to answer under oath any question relating to the matters under investigation.

(b) Every person who is assessable with a license tax shall keep for the current and three prior years sufficient records to enable the director to verify the correctness of the tax paid for the license years assessable and to enable the director to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the director in order to allow the director to establish whether a particular receipt is directly attributable to the taxable privilege exercised within the city. The director shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the appropriate books and records shall be sent to the director's office upon demand.

Section 9-1-43 Administrative Appeals to the Director of Finance.

(a) Definitions. For purposes of this section:

"Amount in dispute," when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or

application for judicial review as disputed by the party filing such appeal or application.

"Appealable event" means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the local assessing official's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

"Frivolous" means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

"Jeopardize by delay" means a finding, based on specific facts, that a taxpayer desires to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

- (b) Filing and contents of administrative appeal. Any person assessed with a license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the director. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The director may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The director shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

(c) Notice of right of appeal and procedures. Every assessment made by a director pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction (the name and address to which the appeal should be directed), an explanation of the required content of the appeal, and the deadline for filing the appeal.

(d) Suspension of collection activity during appeal. Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the director, unless (i) the director determines that collection would be jeopardized by delay as defined in this section; (ii) the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of Section 9-1-46, but no further penalty shall be imposed while collection action is suspended.

(e) Procedure in event of nondecision. Any taxpayer whose administrative appeal to the director pursuant to the provisions of this section has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the director, elect to treat the appeal as denied and appeal the assessment to the State Tax Commissioner in accordance with the provisions of subdivision 6 of this subsection. The State Tax Commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final determination on the part of the director was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the director to make his determination.

Section 9-1-43.1 Administrative Appeal to the State Tax Commissioner.

(a) Any person assessed with a local license tax as a result of a determination, upon an administrative appeal to the director pursuant to Section 9-1-43, that is adverse to the position asserted by the taxpayer in such appeal may appeal such assessment to the State Tax Commissioner within 90 days of the date of the determination by the director. The appeal shall be in such form as the State Tax Commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the director. The State Tax Commissioner shall permit the director to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the director are notified that a longer period will be required. The appeal shall proceed in the same manner as an application pursuant to Virginia Code § 58.1-1821 and amendment(s) thereto, and the State Tax Commissioner may issue an order correcting such assessment pursuant to Virginia Code § 58.1-1822 and any amendment(s) thereto.

(b) Suspension of collection activity during appeal. On receipt of a notice of intent to file an appeal to the State Tax Commissioner under subsection (a) of this

section, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the State Tax Commissioner, unless (i) the director determines that collection would be jeopardized by delay as defined in Section 9-1-43; (ii) the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) the appeal is frivolous as defined in Section 9-1-43. Interest shall accrue in accordance with the provisions of Section 9-1-46, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal pursuant to subsection (a) of this section is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

(c) Implementation of determination of State Tax Commissioner. Promptly upon receipt of the final determination of the State Tax Commissioner with respect to an appeal pursuant to subsection (a) of this section, the director shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the State Tax Commissioner's determination and shall provide that information to the taxpayer.

(1) If the determination of the State Tax Commissioner sets forth a specific amount of tax due, the director shall issue a bill to the taxpayer for such amount due, together with interest accrued, within 30 days of the date of the determination of the State Tax Commissioner.

(2) If the determination of the State Tax Commissioner sets forth a specific amount of refund due, the director shall issue a payment to the taxpayer for such amount due, together with interest accrued pursuant to this section, within 30 days of the date of the determination of the State Tax Commissioner.

(3) If the determination of the State Tax Commissioner does not set forth a specific amount of tax due, or otherwise requires the director to undertake a new or revised assessment that will result in an obligation to pay a tax that has not previously been paid in full, the director shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the State Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the State Tax Commissioner, whichever is later. The director shall issue a bill to the taxpayer for the amount due, together with interest accrued, within 30 days of the date of the new assessment.

(4) If the determination of the State Tax Commissioner does not set forth a specific amount of refund due, or otherwise requires the director to undertake a new or revised assessment that will result in an obligation on the part of the locality to make a refund of taxes previously paid, the

director shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the State Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the State Tax Commissioner, whichever is later. The director shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment.

Section 9-1-43.2 Judicial Review of Determination of State Tax Commissioner.

(a) Judicial review. Following the issuance of a final determination of the State Tax Commissioner pursuant to Section 9-1-43.1, the director may apply to the circuit court for judicial review of the determination, or any part thereof, pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto. In any such proceeding for judicial review of a determination of the State Tax Commissioner, the burden shall be on the party challenging the determination of the State Tax Commissioner, or any part thereof, to show that the ruling of the State Tax Commissioner is erroneous with respect to the part challenged. Neither the State Tax Commissioner nor the Virginia Department of Taxation shall be made a party to an application to correct an assessment merely because the State Tax Commissioner has ruled on it.

(b) Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.

(1) On receipt of a notice of intent to file an application for judicial review, pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto, of a determination of the State Tax Commissioner pursuant to Section 9-1-43.1, and upon payment of the amount of the tax that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the director shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that (i) the taxpayer's application for judicial review is frivolous, as defined in Section 9-1-43; (ii) collection would be jeopardized by delay, as defined in Section 9-1-43; or (iii) suspension of collection would cause substantial economic hardship to the locality. For purposes of determining whether substantial economic hardship to the locality would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the locality by different taxpayers that allege common claims or theories of relief.

(2) Upon a determination that the appeal is frivolous, that collection may be jeopardized by delay, or that suspension of collection would result in substantial economic hardship to the locality, the court may require the taxpayer to pay the amount in dispute or a portion thereof, or to provide surety for payment of the amount in dispute in a form acceptable to the court.

(3) No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in dispute.

(4) The requirement that collection activity be suspended shall cease unless an application for judicial review pursuant to § 58.1-3984 and any amendment(s) thereto is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(5) The suspension of collection activity authorized by this subdivision shall not be applicable to any appeal of a local license tax that is initiated by the direct filing of an action pursuant to § 58.1-3984 and any amendment(s) thereto without prior exhaustion of the appeals provided by Sections 9-1-43 and 9-1-43.1.

(c) Suspension of payment of disputed amount of refund due upon city's notice of intent to initiate judicial review.

(1) Payment of any refund determined to be due pursuant to the determination of the State Tax Commissioner of an appeal pursuant to Section 9-1-43.1 shall be suspended if the city serves upon the taxpayer, within 60 days of the date of the determination of the State Tax Commissioner, a notice of intent to file an application for judicial review of the State Tax Commissioner's determination pursuant to § 58.1-3984 and any amendment(s) thereto and pays the amount of the refund not in dispute, including tax and accrued interest. Payment of such refund shall remain suspended while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that the city's application for judicial review is frivolous, as defined in this section.

(2) No suspension of refund activity shall be permitted if the city's application for judicial review fails to identify with particularity the amount in dispute.

(3) The suspension of the obligation to make a refund shall cease unless an application for judicial review pursuant to § 58.1-3984 and any amendment(s) thereto is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(d) Accrual of interest on unpaid amount of tax. Interest shall accrue in

accordance with the provisions of Section 9-1-46, but no further penalty shall be imposed while collection action is suspended.

Section 9-1-44 Administrative rulings.

Any taxpayer or authorized representative of a taxpayer may request a written ruling from the director regarding the application of the tax levied by this chapter to a specific situation. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be prospectively revoked or prospectively amended if (i) there is a change in the law, a court decision, or the guidelines issued by the Virginia Department of Taxation upon which the ruling was based, or (ii) the director notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which the ruling was in effect.

Section 2. That Section 9-1-78 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Section 9-1-78 Wholesale merchants.

Every person who engages in or conducts the business of a wholesale merchant in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of \$50 or, if the business' purchases with situs in the city equal or exceed \$100,000, \$0.05 for each \$100 of all the business' purchases with such situs.

Section 3. That Section 9-1-116 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Section 9-1-116 Same—fees.

The fee for licenses issued pursuant to this article shall be \$50 or twenty cents (\$0.20) for each \$100 of gross receipts from sales during the entire period of the distress merchandise sale, whichever is greater. The license may be renewed without fee under the conditions prescribed in section 9-1-121 of this code.

Section 4. That this ordinance shall become effective July 1, 2005.

33. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code Requiring the Removal of Graffiti. (18, 6/14/05)

(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 33, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed an ordinance to amend the provisions of the City Code requiring the removal of graffiti. The voting was as follows:

Macdonald	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4409

AN ORDINANCE to amend and reordain Chapter 12 (GRAFFITI ABATEMENT) of Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 12 of Title 11 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

CHAPTER 12 Graffiti Abatement

Sec. 11-12-1 Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

- (a) City manager shall mean the Alexandria city manager, or his designee.
- (b) Graffiti shall mean writings, drawings, inscriptions, figures or marks of paint, ink, chisel, chalk, dye and other similar substance, or flyers, bills and similar materials, which have been placed on public or private property without the

permission of the owner, manager or occupant of the property.

- (c) Placement of graffiti shall include any form or act of drawing, painting, scrawling, writing, marking, inscribing, scratching, gluing, posting or otherwise affixing graffiti to public or private property.
- (d) Public or private property shall mean the exterior surface of any building, or any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, or any article of street furniture, utility or public service equipment, or other personal property located outdoors, whether owned by a public entity or by a private person or entity, and visible from any public right-of-way.

Sec. 11-12-2 Graffiti nuisance prohibited.

- (a) The placement of graffiti on any public or private property is declared to be a public nuisance and is prohibited.
- (b) The failure of any property owner, manager or occupant of public or private property to remove or effectively obscure graffiti which has been placed upon property under such person's ownership or control, within 10 days after the service of notice as provided in this chapter, is declared to be a public nuisance and is prohibited.

Sec. 11-12-3 Abatement of graffiti nuisance.

- (a) Notice and opportunity to abate. Whenever the city manager becomes aware of the existence of graffiti on any public or private property, the city manager shall give, or cause to be given, written notice to remove or effectively obscure such graffiti to the owner, manager, and lessee or occupant of the property. Such notice may be served by personal service or certified mail, and shall be complete upon delivery or mailing. Such notice shall direct the recipient to remove or effectively obscure such graffiti within 15 days of the date of the notice, or to grant the city written permission to enter upon the property and remove or effectively obscure such graffiti, and shall inform the recipient that, in the event of failure to comply, the city may enter upon the property and remove or effectively obscure such graffiti, in the manner provided in this chapter. Prior to the issuance of a notice under this section, the city manager shall contact the owner, manager, and lessee or occupant of the affected property and attempt to obtain the commitment of such person to remove the graffiti within a reasonable period of time. Only in the event no such commitment is made or, if made, the commitment is not honored may the city manager proceed to issue a notice under this subsection.
- (b) Abatement by city. If the owner, manager, or lessee or occupant of the property upon which graffiti has been placed fails to remove or effectively

obscure the graffiti, or to grant the city written permission to enter upon the property and remove or effectively obscure such graffiti, within 15 days from service of the notice described in subsection (a), the city manager may enter upon the property and remove or effectively obscure the graffiti.

- (c) Waiver of liability. The failure of the recipient of a notice given pursuant to subsection (a) to comply with the notice by removing or effectively obscuring such graffiti within 15 days shall be deemed a waiver of any claim by or on behalf of the notice recipient or, if different, the owner of the property, against the City of Alexandria for damage to the property arising out of the work of removing or obscuring the graffiti.

Sec. 11-12-4 Materials.

In no case shall the city be required to clean, paint or repair any more extensive area than where the graffiti is located. Nor shall the city be required to restore the area to its original condition (e.g., color, texture).

Sec. 11-12-5 Penalties.

- (a) Any person who commits a violation of section 11-12-2(a) shall be punished as provided in section 13-1-19.1 of this code; provided, however, that the punishment for any violation in which the defacement is more than 20 feet off the ground, on a railroad or highway overpass, or committed for the benefit of, or at the direction of, or in association with any criminal street gang as defined in section 18.2-46.1 of the Code of Virginia, shall include a mandatory minimum fine of \$500.
- (b) Abatement of the nuisance by the city as provided in section 11-12-3 shall be the sole remedy for the violation of section 11-12-2(b).

Sec. 11-12-6 Restitution or community service.

Restitution or community service, or both, by a person who has been found guilty of a violation of section 11-12-2(a) shall be ordered as provided in section 13-1-19.1 of this code or section 19.2-305.1 of the Code of Virginia, 1950, as amended. In the event the City has abated the nuisance pursuant to section 11-12-3(b), restitution shall be made to the City.

Sec. 11-12-7 Exemptions.

This chapter shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on streets, sidewalks or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for kickball, handball, hopscotch and the like, or to prohibit markings placed on public or private property by the authorized representative of the city or a public utility to indicate

the location of service lines and facilities.

Section 2. That this ordinance shall become effective July 1, 2005.

35. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code Establishing Fire Prevention Regulations. (#20, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 35, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 35, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed an ordinance to amend the provisions of the City Code establishing fire prevention regulations. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Krupicka	absent
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4411

AN ORDINANCE to amend and reordain Article B (FIRE PREVENTION) of Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article B of Chapter 2, Title 4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

ARTICLE B
Fire Prevention

Sec. 4-2-11 Title.

This article shall be known as the Fire Prevention Code of the City of Alexandria, Virginia.

Sec. 4-2-12 Adoption of Virginia Statewide Fire Prevention Code.

There is hereby adopted and incorporated, as if fully set out in this article, the Virginia Statewide Fire Prevention Code, as promulgated in 2000 and as thereafter amended by the Virginia Board of Housing and Community Development, except such portions of the Virginia Statewide Fire Prevention Code as are deleted, modified or amended by section 4-2-21 of this article.

Sec. 4-2-13 Same – official copy.

One copy of the Virginia Statewide Prevention Code and the ordinances adopted deletions, modifications and/or amendments thereto shall be manually signed on it cover by the mayor and the fire official and shall be filed and kept at all times in the office of the city clerk.

Sec. 4-2-14 Definition of fire official, fire marshal and code official.

Whenever the terms “fire official,” “fire marshal” and “code official” are used in this article or the Virginia Statewide Fire Prevention Code, they shall mean the city’s director of code enforcement.

Sec. 4-2-15 Duties of the fire marshal and deputy fire marshals.

(a) The director of code enforcement, chief fire marshal, chief deputy fire marshal, all deputy fire marshals, all fire inspectors and other authorized employees of the city shall enforce the applicable provisions of this article.

(b) The city manager shall appoint the chief fire marshal, chief deputy fire marshal and deputy fire marshals.

(c) The chief of the fire department of the city may designate any members of the fire department as deemed necessary as temporary fire inspectors to make fire safety inspections pursuant to this article.

(d)(1) The chief fire marshal, chief deputy fire marshal and deputy fire marshals shall have the same police powers as a sheriff, police officer or law-enforcement officer, and, in addition to such other duties as may be prescribed by law, shall have the primary responsibility of investigation and prosecution of all offenses involving fires, fire bombings, bombings and attempts to commit such offenses; possession and manufacture of explosive devices, substances and fire bombs; storage, use and transportation of hazardous materials and hazard wastes and the investigation of all releases of hazardous materials and wastes and all other environmental offenses; false alarms relating to such offenses, and may investigate and prosecute all other criminal

or civil offenses under local, state or federal law arising out of or during the investigation of the enumerated offenses, and out of or during such other investigations and prosecutions as may be approved by the city manager.

(2) The police powers granted in this section shall not be exercised by the chief fire marshal, chief deputy fire marshal or any deputy fire marshal until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

(3) The chief fire marshal, chief deputy fire marshal, and deputy fire marshals with police powers shall continue to exercise such powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

Sec. 4-2-16 Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization, to cling, attach to, climb upon or board or swing upon any fire department vehicle, whether the vehicle is in motion or at rest, to sound any warning device thereon or to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing or tool on or a part of the fire department vehicle.

4-2-17 Tampering with fire protection devices; failure to report, or delaying alarm of fire.

(a) It shall be unlawful for any person to tamper with, damage, destroy, use without just cause or authorization, or hinder the use of any fire alarm system, fire protection system or fire extinguisher installed in any building or structure within the city.

(b) It shall be unlawful for any person knowingly to delay or to cause to be delayed an alarm of fire, or to fail to report an alarm of fire to the fire department.

(c) When a fire or evidence of the occurrence of a fire is discovered, even though it has apparently been extinguished, the person making such discovery shall immediately report the same to the fire department.

Sec. 4-2-17.1 Stairway identification.

An identification system, as approved by the fire official, shall be provided at each landing in all interior exit stairways connecting more than three stories, identifying the floor level, the level of discharge to the exterior of the structure, the name of designation of the stairway within the structure, and whether there is access to the roof of the structure from the stairway. The identification shall be located five feet (1,525 mm) above the finished floor landing, at a location, which is readily visible within the stairway and will not be obstructed by the operation of any door into the stairway.

Stairway identification shall conform to the requirements established in Sec. 4-2-21 Changes in Virginia Statewide Fire Prevention Code, Chapter 1, section 103.3, Appendix D, "Requirements for Stairway Identification."

Sec. 4-2-18 Fire hydrants and water mains.

(a) It shall be unlawful for any person to reset any fire protection system without prior authorization from the director of code enforcement or his designees.

Exceptions: (1) Fire suppression personnel
(2) Fire protection personnel conducting inspection, testing, service, or maintenance on fire protection system during emergencies
(3) Law enforcement personnel

(a) It shall be unlawful for any person to use, tamper with, damage or destroy any fire hydrant, valve or water main within the city, except that the fire department may use fire hydrants for fire fighting or training purposes, and persons who have obtained a permit as provided for in this section from the fire marshal may use the fire hydrants in accordance with the terms of the permit.

(b) Application for a permit for use of fire hydrants shall be made to the fire marshal on forms provided for this purpose. Any permit shall be subject to the conditions and specifications imposed by the fire marshal for the purpose of protection equipment and preventing water leakage. No permit shall be issued unless approval to use water shall first have been obtained from the Virginia-American Water Company. A separate permit shall be required for each hydrant used and each time the hydrant is used. A fee of \$88.50 (\$10 for charitable or nonprofit groups) will be charged for each permit issued in accordance with Table 107.2. A permit holder shall be responsible for the costs of labor and materials for any repair or replacement needed after hydrant use. A permit must be in the possession of the actual user at the time of use.

(c) No person shall plant, erect, or place any obstruction within four feet of any hydrant, nor shall a person stop, stand, or cause a motor vehicle to be placed within 15 feet of a hydrant.

(d) No person shall plant, erect, or place any obstruction within 10 feet of any other fire department connection point, whether mounted on the exterior of a structure or freestanding. All such connections, which are mounted on a building, including all such connections in existence on January 26, 2002, shall be identified by a sign as follows. Such sign shall bear the letters FDC, six inches in height, of a white color on a red background, and shall be mounted directly above the connection, four feet above the top of the connection.

Sec. 4-2-19 Impersonation.

It shall be unlawful for any person falsely to use a fire department badge, uniform or

credentials to identify himself as, or otherwise to impersonate, a fire marshal, a fire officer, a fire fighter, a paramedic, an inspector or another authorized representative of the fire department.

Sec. 4-2-20 reserved.

Sec. 4-2-21 Changes in Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, adopted by the city in section 4-2-12, is deleted, modified or amended in the following respects:

(1) Chapter 1, section F-101.1 is amended to read:

101.1 Title. The regulations set forth herein, as modified and amended in Section 4-2-21 of the Code of the City of Alexandria, together with the additional regulations in article B of chapter 2, title 4 of that code, shall be known as the Fire Prevention Code of the City of Alexandria, Virginia, and are herein referred to as such or as "the code."

(2) Chapter 1, section 103 is amended by adding the following subsection:

103.4 International Fire Code Appendices. IFC Appendices A, B, C, D, and F are deleted. The following appendices are hereby incorporated as fully enforceable provisions of this code:

Appendix A - Water and Fire Requirements for Site Plans and New Construction.

APPENDIX A

WATER AND FIRE REQUIREMENTS FOR SITE PLANS AND NEW CONSTRUCTION

SECTION A101 - GENERAL

A101.1 Scope. Appendix A. *Water and Fire Requirements for Site Plans and New Construction* provides specific information concerning various fire protection related issues including, fire hydrant and fire main requirements, site plan requirements, emergency vehicle access and easements (emergency vehicle easement requirements), and fire flow calculations. In addition, this document provides information concerning fire department construction site requirements, hydrant permits, and acceptance of emergency vehicle easements from the public.

A101.2 References. *Code of Virginia, Uniform Statewide Building Code, Statewide Fire Prevention Code with City of Alexandria amendments. Design and Construction Standards - Department of Transportation & Environmental Services, and Virginia-American Water Company Specifications for Pipeline Installation and Street Restoration.*

A101.3 Alternatives. Alternative approaches to these requirements will be considered on a case-by-case basis and are subject to the review and approval by the Director of Code Enforcement.

SECTION A102 - FIRE FLOW REQUIREMENTS

A102.1 Fire Flow Requirements. Fire flow requirements shall be based on the methodology described in the Insurance Services Office's (ISO) *Fire Suppression Rating Schedule*. This methodology considers building construction, occupancy, adjacent exposed building, and communication paths between buildings. (See Section A102.10 - Fire Flow Analysis for guidance)

A102.2 One and Two Family Dwellings. The fire flow required shall be based on the minimum exposure distance listed in Table A102.1:

Table 102.1 - MINIMUM EXPOSURE DISTANCE

Minimum Exposure Distance	Fire Flow (GPM)
0 ft. - 10 ft.	1,500 - 2,000
11 ft. - 30 ft.	1,000 - 1,500
31 ft. and greater	1,000

A102.3 Townhouses or Multiplex Units. Townhouses or multiplex units (residential or professional) where individual units are not separated by two-hour fire, party, or separation walls require a flow of 2,500 GPM. Townhouses (residential or professional) where individual units are separated by a minimum one-hour fire, party, or separation walls and approved fire sprinkler systems establish fire flow requirements based on calculations for Other Uses as described in Section A102.4. Multiplex units (residential or professional) where individual units are separated by two-hour fire, party or separation walls and approved fire sprinkler systems establish fire flow requirements based on calculations for Other Uses as described in Section A102.4. Note: The Code Enforcement Bureau reserves the right to increase the required fire

flow if building construction issues or access factors present an unusual fire or life safety challenge.

A102.4 Other Uses. Fire flow requirements established by the procedures and formula for needed fire flow delineated below is based on the Insurance Services Office (ISO) methodology.

A102.5 Computation of Needed Fire Flow. The needed fire flow shall be calculation at a minimum 20-psi residual pressure on the water system.

The basic formula is: $NFF_i = (C_i)(O_i)(X + P)_i$
Ci = Construction factor where: Ci = 18F Ai

F = coefficient related to type of construction:

- F = 1.5 for wood frame construction (2000 VUSBC Types VA & VB)
- F = 1.0 for ordinary construction (2000 VUSBC Types IIIA & IIIB)
- F = 0.9 for heavy timber construction (2000 VUSBC Type IV)
- F = 0.8 for noncombustible construction (2000 VUSBC Types IIA and IIB)
- F = 0.6 for fire-resistive construction (2000 VUSBC Types IA & IB)

A (effective building area) = the total area of the largest floor plus:

- Construction Type I & II - 25% of the area not exceeding the other two largest floors when all vertical openings have at least 1 ½ - hour fire-rated protection
- or,
- 50% of the area not exceeding eight other floors when the vertical openings are unprotected or have less than 1 ½ - hour protection.
 - Construction Type III through V - 50% of all other floors.

NOTE: In buildings with mixed construction a value C_m shall be calculated for each class of construction using the effective area of the building. These C_m values are multiplied by their individual percentage of the total area. The C_i applicable to the entire building is the sum of these values. However, the value of the C_i shall not be less than the values for any part of the building based upon its own construction and area.

O_i = Occupancy Factor, which reflects the combustibility of the occupancy.

- = 0.75 for non-combustible
- = 0.85 for limited combustible
- = 1.00 for combustible
- = 1.15 for free burning
- = 1.25 for rapid burning

$(X+P)_i = \text{Exposure and Communication Factors}$
n

$(X+P)_i = 1.0 \quad (X_i + P_i) \quad (\text{Maximum } 1.75 \text{ where } n = \text{number of sides of subject building})$
i=1

Values for X and P are determined from Tables A102.3 and A102.4 containing factors for type of separation or connections, and separation distance. (See Section A102.10 - Example Fire Flow Calculation for guidance).

Add 500 gpm to total fire flow for building with wood construction members, sheeting, shingles, or roof.

A102.6 Minimum Flow. Fire flow shall never be less than 500 gpm for a structure. Fire Flow required for single-family detached dwellings shall never be less than 1,000 gpm. Both values are absolute minimums after all reductions are taken.

A102.7 Maximum Flow. The maximum fire flow shall be as listed in Table A102.2, except for structures requiring special consideration as described in Section A102.8.

TABLE 102.2 - MAXIMUM FLOW

<u>Construction Type</u>	<u>Flow in gpm</u>
III, IV or V	8,000
I or II	6,000

A102.8 Reductions Based on Sprinkler Protection. The value obtained from the formula in Section 4, *COMPUTATION OF NEED FIRE FLOW*, may be reduced by 50 percent when the structure under consideration is protected throughout with an approved automatic sprinkler system in accordance with the *Virginia Uniform Statewide Building Code* and the currently referenced edition of NFPA 13 *Standard for the Installation of Sprinkler Systems* or other approved fire sprinkler system design and installation codes. Reductions are not permitted for structures with partial protection. Reductions for installations based on NFPA 13D or NFPA 13R designs, shall be approved by the Director of Code Enforcement on a case-by-case basis.

A102.9 Special Consideration. The above calculation procedures do not apply to the following, which require special consideration and direct consultation with the Code Enforcement Bureau:

- a. Structures containing a group H fire area
- b. Lumber yards
- c. Petroleum Storage
- d. Refineries
- e. Chemical Plants
- f. Grain storage
- g. Power generating facilities
- h. Hazardous manufacturing processes
- i. Paint, flammable liquid storage
- j. High piled combustible storage

			Construction of facing Wall of Exposed Building Classes
Construction of Facing Wall of	Distance Feed to the Exposed	Length-Height of Facing Wall of Exposed Building	3.51, 2, 4

Subject Bldg.	Building		
			UnprotectedSemi-ProtectedBlank
			Openings
			Openings (wired glass or outside open sprinklers)Wall
Frame, Metal or Masonry with Openings	0-10	1-100	0.22
		101-200	0.23
		201-300	0.24
		301-400	0.25
		Over 400	0.25
	11-30	1-100	0.17
		101-200	0.18
		201-300	0.19
		301-400	0.20
		Over 400	0.20
	31-60	1-100	0.12
		101-200	0.13
		201-300	0.14
		301-400	0.15
		Over 400	0.15
	61-100	1-100	0.08
		101-200	0.08
		201-300	0.09
		301-400	0.10
		Over 400	0.10
			0.21
			0.22
			0.23
			0.24
			0.25
			0.15
			0.16
			0.18
			0.19
			0.19
			0.10
			0.11
			0.13

			0.14 0.15 0.06 0.07 0.08 0.09 0.10 0.16 0.17 0.18 0.19 0.20 0.11 0.12 0.14 0.15 0.15 0.07 0.08 0.10 0.11 0.12 0.04 0.05 0.06 0.07 0.08
Blank Masonry Wall	Facing Wall of the Exposed Building is Higher Than Subject Building: Use the above table EXCEPT use only the Length-Height of Facing Wall of the Exposed Building ABOVE the Height of the Facing Wall of the Subject Building. Buildings five stories or over in height, consider as five stories When the Height of the Facing Wall of the Exposed Building is the Same or Lower than the		

	Height of the Facing wall of the Subject Building, $X_j=0$.		
--	--------------------------------------------------------------	--	--

Description of Protection of Passageway Openings	Fire Resistance, Non-Combustible or Slow-Burning Communications				Communications with Combustible Construction					
	Open Estimated				Open Enclosed					
	Any	10 ft.	11 ft.	21 ft.	10 ft.	11 ft.	21 ft.	10 ft.	11 ft.	21 ft.
	Length	or Less	to 20 ft.	to 50 ft.	or Less	to Less	to 50 ft.	or Less	to 20 ft.	to 50 ft.
Unprotected	0	0	0.30	0.20	0.30	0.20	0.10	0	0	0.30
Single Class A Fire Door at One End of passage-way	0	0.20	0.10	0	0.20	0.15	0	0.30	0.20	0.10
Single Class B Fire Door at One End of passage-way	0	0.30	0.20	0.10	0.25	0.20	0.10	0.35	0.25	0.15
Single class A fire door at each end or double	0	0	0	0	0	0	0	0	0	0

class A fire doors at one end of passage										
Single class B fire door at each end or double class B fire doors at one end of passage	0	0.10	0.05	0	0	0	0	0	0.15	0

+ For over 50 feet, $P_i = 0$

++ For unprotected passageways of this length, consider the 2 buildings as a single Fire Division

Note: When a party wall has communicating openings protected by a single automatic or self-closing Class B fire door, it qualifies as a division wall* for reduction of area.

Note: Where communications are protected by a recognized water curtain, the value of P_i is 0.

A102.10- EXAMPLE FIRE FLOW ANALYSIS

A new cinema building will be constructed and has a footprint area of 77,680 square feet and a gross area of 134,320 square feet. The building is three-stories, Type 1B construction, and is classified Use Group A-1 for theaters with the ground floor primarily movie theater seating. To the west of the proposed cinema is a hi-rise office building approximately 85 feet away. To the north and south, there is on-grade parking and no structure within 100 feet. To the east there is a future structure planned and it will be within 30 feet of the cinema. All vertical openings are unprotected or have less than one ½ hour fire-rated protection. The facility will have full fire sprinkler protection based on the NFPA 13 standard.

$$\text{Needed Fire Flow} = \text{NFF}_i = (C_i)(O_i)(X+P)_i$$

(a) C_i = Construction Factor where $C_i = 18 F \sqrt{A_i}$

F = coefficient related to type of construction:

• $F = 0.6$ for fire-resistive construction (2000 VUSBC Types IA & IB)

A = effective building area = the total area of the largest floor plus 50% of the area not exceeding eight other floors when all vertical openings are unprotected or have at less than 1½-hour fire-rated protection for Construction Type I and II.

$$A = 77,680 + (134,320 - 77,680) \times .50 = 106,000 \text{ square feet}$$

$$C = 18 \times .6 \times \sqrt{106,000} = 3516 \text{ gpm}$$

(b) O_i = Occupancy Factor, which reflects the combustibility of the occupancy.

$O = 1.15$ for free burning based on a conservative design approach from
undetermined plastic and fabric seating fixtures

(c) $(X + P)_i$ = Exposure and Communication Factors from Tables 102.3 and 102.4.

Values for X and P are determined from charts containing factors for type of separation or connections, separation distance.

$$(X_i + P_i) = 1 + \sum_{i=1} (X_i + P_i) = 1.0 + (0.10 + 0.0 + 0.19 + 0.0) + 0 = 1.29$$

west north east south

Needed Fire Flow = (C) x (O) x (1 + X_i + P_i) = 3,516 x 1.15 x 1.29 = 5250 gpm

NOTE: 50% reduction available since a full NFPA 13 sprinkler system will be installed.
Therefore: N.F.F. = 5250 x 0.50 = 2,625 gpm = 2,705 (rounding to the nearest 250 gpm increment)

SECTION A103 - SITE PLAN INFORMATION

A103.1 Site Plan Requirements: The following information shall be provided on site plans:

1. Submitter name, address telephone number.
2. Building name and address
3. Edition of the building code (Virginia Uniform Statewide Building Code), occupancy classification, use group, and type of construction.
4. Height of building in feet and stories.
5. Foot print area of building and gross floor area of building
6. Identification of fire walls, fire barriers, other fire separations with hourly rating.
7. Existing and proposed water and fire main locations and sizes.
8. Existing and proposed fire hydrants locations, size of pipe, and expected flow and pressure.

Note: Fire Hydrant Coverage and Location

- a) Minimum 40-foot clearance from hydrant to any structure.

- b) Maximum 100 feet from hydrant to fire department connection.
 - c) Fire hydrant coverage: 300 feet, measured from the hydrant to the most remote point of vehicular access on the site, via the vehicular travel path.
 - d) Dead-end water main to fire hydrant distance:
 - 6" line 380 feet max. distance
 - 8" line 1,550 feet max. distance
 - 10" line 4,600 feet max. distance
 - 12" line 11,150 feet max. distance
 - e) No obstructions within 4 feet of hydrant (plants, fences, retaining walls etc.)
 - f) fire hydrants and water mains in or on parking structures shall be protected from freezing, but no heat tape permitted.
 - g) Fire hydrant location for single-family dwellings: lot line and/or curve of pavement
9. State if a full or partial fire sprinkler system will be installed.
10. If fire sprinkler system will be installed, show location of fire department siamese connection(s).
Note: Siamese shall be located on street front, address side of building but provide additional siamese for buildings five stories or 50 feet or greater, on the other side of the building). Siamese connection shall be visible and accessible with no obstructions within 10 feet.
11. Topographical map relating grade and elevation to fire department connections.
12. Available water pressure and flow capability, static pressure, residual pressure, flow in gpm.
13. Calculate required fire flow and indicate available fire flow at 20 psi per Insurance Services Office (ISO) methodology as described in this document.
14. Location of all Emergency Vehicle Easements (EVE) and locations of EVE signs outlining EVE minimum 22 feet.
15. Adequate emergency vehicle access, turning radii.
- Note:
- a) Building more than 5 stories or 50 feet in height require ladder truck access on the two longest opposing sides with 100% of those respective sides accessible to the fire department.
 - b) Dead-end emergency vehicle easements greater than 100 feet require turnaround.
 - c) Emergency vehicle access to within 100 feet of main entrance.
 - d) Swimming pool access - to be within 50 feet of edge of pool.
 - e) Show all overhangs and obstructions to emergency vehicle easement. The minimum emergency vehicle clearance for canopies, etc., is 15 feet.
 - f) Design live load for emergency vehicle on parking structure, deck shall conform at a minimum to A.A.H.S.T.O. Loading Standard HS-20.
16. Check IBC Table 503 for area and height requirements.

SECTION A104 - FIRE HYDRANTS

A104.1 Fire Hydrant Requirements Hydrants shall be Mueller "Centurion" (Catalog #A-423) provided with a 6-inch connection to the water main. The hydrant shall have on 1 ½ inch pentagon-operating nut, left turn to open, two 2-1/2 inch NSH nipple outlets capped, and one 4-inch NSH nipple outlet capped. The hydrant shall be connected to a Muller Gate Valve (Catalog #A2380-20 or Virginia American Water Company approved equivalent) by the 6 inch water supply line and have a minimum 5 1/4 inch valve opening with 6 inch mechanical joints as shown in Figure A104.1 - *Fire Hydrant Installation Specifications* . Additional requirements are as follows:

1. The hydrant shall be supported by hard, compacted block with hard gravel bedding.
2. Fire hydrant branch connections placed in fill material shall be installed using restrained joint pipe or tie rods as approved by Virginia-American Water Company.
3. The hydrant shall be located so that the thrust is placed in undisturbed soil. Where this is not practical, the soil beneath the surrounding thrust block shall be compacted to 95% of maximum density in accordance with VDOT Sections 523.03, 302, 303.10, and 200.02.
4. The hydrant shall be plumb and the center of the hydrant (4-inch nozzle cover) shall be a minimum of 18 inches and maximum of 24 inches from the top face of the curb.
5. Excavation shall contain one ton of coarse washed gravel around base of hydrant for drainage.
6. The bottom of the safety flange shall be 2 ½ inches above the edge of the shoulder on streets without curb and gutter and 2 ½ inches above the elevation of curb on streets with curb and gutter.
7. Bends in underground piping shall be rodded and blocked.
8. Laterals shall be equipped with shut-off valves at tees or tapping sleeves. Valves shall be secured by rods or bolts, to tees or mains. Valves shall be quipped with standard two-inch square operating nuts and valve boxes with covers. Valves shall have right hand closure.
9. All hydrant branches shall have a minimum cover of four feet at the ditch line.
10. Public hydrants shall be painted with rust inhibitive primer and exterior enamel in the following color(s): Sherwin Williams "Safety Yellow" #B54Y37 for barrels and Sherwin Williams "Pure White" #B54W101 for hydrant bonnets and caps. Exception: Public hydrant barrels may be painted with an approved flat black paint where such locations are specifically approved in writing by the Fire Chief. Private hydrant barrels, bonnets, and caps shall be painted with a rust inhibitive primer and exterior enamel Sherwin Williams "Safety Yellow #B54Y37. Exception: Private hydrant barrels may be painted with an approved flat black where such locations are specifically approved in writing by the Fire Chief.
11. Code Enforcement Bureau personnel shall witness all flushing, perform visual inspection, hydrostatic and flow testing of all public and private hydrants by a licensed contractor. Code Enforcement personnel shall confirm the hydrant meets the 100% design flow requirement. If the 100% design flow requirement is not met, the hydrant shall be placed out of service until the contractor brings

- the hydrant into compliance with the 100% design flow requirement.
12. Sidewalks shall be wrapped around hydrants in areas where the grass area is shown as two feet or less.
 13. Easements shall be required for hydrants located in ditch section streets where there is less than five feet clearance from hydrant to the property line.
 14. Hydrants shall be installed, either five feet from the point of curvature of curb returns or on the property line in subdivisions.
 15. Fire hydrants shall be located at least 40 feet from all buildings served by the hydrant. When a hydrant cannot be placed at the required distance, the Director of Code Enforcement will consider exceptions to the requirement if the conditions are within the parameters listed in the currently adopted edition of NFPA 24, *Private Fire Service Mains and their Appurtenances*.
 16. No plantings or other obstructions shall be located within four feet of any hydrant or ten feet of a fire department siamese connection.
 17. Four-inch steel pipe bollards shall be installed in accordance the requirements of Figure A104-2 Fire Hydrant Protection Pipe Bollard Installation Detail around hydrants as needed for industrial and commercial developments where curbs are not available and in locations where the potential for damage is greater than normal due to vehicular traffic as determined by the Director of Code Enforcement. Bollards shall be located adjacent to the hydrant and in such a manner as not to interfere with the ability to connect hoses or operate the hydrant. Where possible, bollards shall be at least 30 inches from the center of the hydrant-operating nut in all directions. The bottom of the bollards and encasement shall not be located above the hydrant supply piping and valve or within the area of the hydrant supply piping to prevent the possibility of damage to the underground piping should the bollard be displaced by vehicular contact. Exact locations of bollards will be determined by the engineer of record and approved by the Director of Code Enforcement.

SECTION A105 - INSTALLATION AND TESTING OF UNDERGROUND FIRE MAINS AND FIRE LINES

A105.1 Fire Main and Fire Lines Requirements. All installation and testing shall be in accordance with the currently referenced edition of NFPA 24, *Private Fire Service Mains and Their Appurtenances*, as referenced by the *Virginia Uniform Statewide Building Code*. A Contractors Materials and Test Certificate for Underground Piping, (See NFPA 24 appendix) shall be completed and signed by the installing contractor. A Code Enforcement Bureau inspector shall witness all required inspection and tests.

A105.2 General Requirements. The following general requirements shall be followed when installing fire main and fire lines:

1. Fire lines shall have at least four (4) feet of ground cover from the top of the pipe.
2. All bends and tees shall be provided with thrust blocks in accordance with NFPA 24.

3. All rods shall be a minimum of 5/8 inch in diameter. The number of rods shall be determined by the pipe size.
4. All rods, nuts, bolts, washers, clamps, and other restraining devices shall be cleaned and thoroughly coated with bituminous or other acceptable corrosion-retarding material.
5. Thrust blocks shall be placed against undisturbed soil. Pipe clamps and tie-rods, thrust blocks, locked mechanical or push-on joints, mechanical joints utilizing set screw retainer glands, or other approved methods or devices shall be used. The type of pipe, soil conditions, and available space shall determine the method.
6. When using clamps, rods shall be used in pairs, tow to each clamp.
7. Fire lines shall not run under buildings.
8. All pipe shall be flushed, hydrostatically tested, and visually inspected before being covered. The trench shall be backfilled between joints before testing to prevent movement of pipe.
9. The hydrostatic test of 200 psi or 50 psi over static pressure, whichever is higher shall be conducted for two (2) hours.
10. The contractor shall remain responsible for locating and correcting any leakage. If pipe is covered, no drop in pressure during the hydrostatic test is permitted.
11. Gauges used in performing acceptance tests shall meet the following:
 - a. Gauges shall be appropriate for the type of test (i.e. air gauge for air pressure test, water gauge for hydrostatic test).
 - b. Air gauges shall have increments of two (2) pounds or less. Water gauges shall have increments of ten (10) pounds or less.
 - c. The gauge shall be capable of registering pressures above the minimum pressure required during the test. The pressure registered during the actual test shall be at least the minimum required for the test and less than the maximum of gauge register. Gauges shall be marked as accepted by UL or FM testing laboratories. No valves shall be installed in a fire line between the street valve at the water main and the OS & Y valve inside the building.
12. All fire lines shall be thoroughly flushed with an opening the same size as the pipe when possible. The minimum rate of flow shall be not less than the water demand rate of the system, which is determined by the system design, or not less than that necessary to provide a velocity of 10 feet per second, whichever is greater. The flushing operation shall continue for sufficient time to ensure thorough cleaning.

TABLE A105.1 - FLOW RATES

Pipe Size	Flow Rate (gpm)
4	390
6	880
8	1560
10	2440

13. When the above flow rate cannot be verified or met, supply piping shall be flushed at the maximum flow rate available to the system under fire conditions.
 14. Approved site plans showing the size and location of pipe shall be on the job site before the inspection or test is performed.
 15. Galvanized spool piece (potable water). The procedure for installing a galvanized pipe between the ductile iron fire line and the OS&Y valve is as follows:
 - a. If a spool piece is used between the fire line stub and the OS&Y valve to raise the valve off the fire line stub, then it shall be galvanized pipe. This spool may be hydrostatically tested as part of the underground, or part of the sprinkler riser.
- or-
- b. If the OS&Y valve is rated by the AWWA as suitable for connection to a potable water system, this valve is a suitable transition piece between the fire line stub and the check valve. This OS&Y valve may be attached directly to the fire line stub if there is adequate clearance for proper operation of the valve, and then no galvanized pipe is required.
16. All items shall be inspected before any backfill.
 17. Electrical ground wires shall not be connected to underground fire lines.
 18. Backfill shall be well tamped, free of rocks and construction debris, and free of corrosives.

SECTION A106 - EMERGENCY VEHICLE ACCESS

A106.1 Requirements. The following requirements shall followed when designing emergency vehicle access:

1. Access for emergency vehicles shall be provided to within 100 feet of the main or principal entrance to every building. The access shall be provided by a public or private street or parking lot.
2. When new buildings are more than five stories or 50 feet in height, ladder truck access shall be provided on the two longest opposing sides with 100% of those respective sides accessible to the fire department.
3. The access to the rear may be provided by either a street, parking lot, or emergency vehicle easement designed to all appropriate standards.
4. The inner surface of the ladder truck access way shall be no less than 15 feet and no more than 30 feet from the exterior building wall.
5. Where required, emergency vehicle easements shall have a minimum width of 22 feet.
6. Required fire department access ways over 100 feet in length shall have provision for turning apparatus around according to the requirements referenced in Figure A106.1 for emergency vehicle easements in this document.
7. A 12-foot wide access lane to within 50 feet of the edge of swimming pools, with

- an eight-foot wide personnel gate in the fence at the point of access is required except for individually owned pools located on single-family lots.
8. Building overhangs which cross an emergency vehicle easement threshold shall not be occupied space and shall be no less than 15 feet in height, as measured from the top surface of the roadway to the lowest protrusion of the overhang.
 9. Residential rear service alleys that function as fire department emergency vehicle access shall meet the access criteria as described in Item 2 of this section and Figure A106.2.
 10. Design live load for emergency vehicle on parking structure, deck shall conform at a minimum to A.A.H.S.T.O. Loading Standard HS-20.
 11. Alternatives to Emergency Vehicle Access will be considered on a case-by-case basis and examined and approved through the Code Modification process in accordance with Section 109.2 of the Virginia Uniform Statewide Building. Features that will be considered include, but are not limited to occupancy, combustibility, construction enhancements, and passive and active fire protection enhancements over the base-line requirements for the structure. Refer to Alexandria Fire and EMS Department document Exterior Fire Department Operations and Supplemental Fire Protection and Rescue Features in Mid-Rise and High-Rise Structures for alternative design approaches.

SECTION A107 - EMERGENCY VEHICLE EASEMENTS

A107.1 Emergency Vehicle Easements. Emergency vehicle easements shall be a minimum of 22 feet across the travel lane. The emergency vehicle easement shall provide access to strategic areas of the building and fire protection systems as designated by the Director of Code Enforcement. Curbing and street components shall conform the standards established by Transportation and Environmental Services for emergency vehicle easements.

A107.2 Sign Specifications. Emergency vehicle easement signs shall be metal construction, 12-inches wide and 18 inches in height. Provide red letters on reflective white background with a 3/8 inch red trim strip around the entire outer edge of the sign. The lettering shall be "NO PARKING," "EMERGENCY VEHICLE EASEMENT," "EM. VEH. EAS.," and "City of Alex." placed as shown in Figure 3. Lettering size shall be as follows: "NO PARKING" - 2 inches, "EMERGENCY VEHICLE EASEMENT" - 2 ½ inches. EM.VEH. EAS. - 1 inch, CITY OF ALEX. - ½ inch. Directional Arrows - 1 inch by 6 inches solid shaft with solid head 1 ½ inches wide and 2 inches deep (See Figures A107.1, A107.2, A107.3 for examples). Signs shall be mounted with the bottom of the sign 7 feet above the roadway, and shall be properly attached to a signpost or other approved structure as designated by the Director of Code Enforcement. Posts for signs, when required, shall be metal and securely mounted. Signs shall face in the direction of vehicle travel. In areas where emergency vehicle easements involve two-way traffic, double mounted signs shall be provided. The maximum distance between signs shall be 100 feet. Other special signs or modifications to emergency vehicle easement signs shall be approved by the Director of Code Enforcement.

A107.3 Fire Dept. Access Lanes/Mountable Curbs. Where curbing is a component of the emergency vehicle easement, the curbing construction shall conform to weight and grade requirements for vehicular traffic. In no circumstances shall a raised curb be located in the path of travel in an emergency vehicle easement. Where a mountable curb is provided as part of an emergency vehicle easement, emergency vehicle easement signs shall be posted at the point nearest the edge of the emergency vehicle easement, but in no case within the clear width of the emergency vehicle easement.

SECTION A108 CONVEYANCE OF EMERGENCY VEHICLE EASEMENT TO CITY OF ALEXANDRIA

A108.1 General. The property owner shall have an Engineer or Surveyor submit to the Transportation & Environmental Services Department a preliminary plat indicating location, width, boundary, and a description of the composition of easement for the Emergency Vehicle Easement.

A108.2 Agency Review. The Transportation & Environmental Services Department and the Director of Code Enforcement shall review the plat to determine whether the Emergency Vehicle Easement is necessary or desirable and has adequate access, width, and turning radius. Transportation & Environmental Services Department will determine if the existing paved surface meets city standard (CSAP-1A). All elevated surfaces shall meet H-20 specifications. If the Emergency Vehicle Easement is attached to the terms and conditions of a Special Use Permit, then the applicant must also file with the City's Planning and Zoning office for review. All appropriate agencies will comment on the content of the plat.

A108.3. Approval. If approved, the applicant will submit a final plat and descriptive deed. The City of Alexandria will sign and return to applicant for recordation.

A108.4 Recordation. Upon recordation, the applicant will report deed book and page number (instrument number) to Transportation & Environmental Services Department to be kept on file. The final plat and bond will not be released until the deed has been recorded.

Appendix B – Requirements for a Fire Watch

APPENDIX B

REQUIREMENTS FOR A FIRE WATCH

SECTION B101 GENERAL

B101.1 Scope. When a fire sprinkler, alarm, detection, or suppression system becomes impaired or is unable to provide the proper protection for which it was designed, it becomes necessary to find an alternate means to monitor the conditions in buildings relative to life safety and property protection. For short term and on a temporary basis,

a fire watch is a system of activities designed to provide onsite observation, documentation, and notification in the event of a fire emergency.

SECTION B102 REQUIREMENTS

B102.1 Procedures. When the establishment of a fire watch is ordered by the Fire Department or Code Enforcement Bureau, the owner or the owner's representative shall implement the following procedures and requirements for the duration of the fire watch. The fire watch shall be maintained until such time the noted system(s) is returned to normal ready service and approved for use by the Code Enforcement Bureau.

B102.2 Requirements. A fire watch shall consist of the following:

Designated number of staff (minimum of two personnel), at all times and until the compromised system has been repaired, inspected, tested and certified to be placed back in service by the Code Enforcement Bureau.

Each participating staff member shall be equipped with reliable two-way communications. One staff member shall always be stationed in an area or room equipped with a working telephone or cellular phone to report an alarm by dialing 9-1-1.

NOTE: When dialing 911 from a cellular phone, some cellular phone systems may connect user with another jurisdiction's emergency communications center, therefore the caller should confirm they are speaking with the "Alexandria Fire and EMS Department Emergency Communications Center".

Walking tour of all areas of the building no less than every 15 minutes to observe for conditions where fire, smoke, or hazardous situations require fire department response
or,

A complete tour of the facility within a time frame prescribed by a representative of the Code Enforcement Bureau or Fire Department and with the staffing level contingent upon the size of the facility and the type of occupancy.

NOTE: If the building or property is of such size that two individuals cannot adequately perform the required fire watch, the Fire Department representative may require additional on site personnel. The Fire Department representative may permit one person to perform the fire watch if the building or property is size that one person can adequately perform the required fire watch.

A legibly written log shall be kept on site at all times for review by any Fire Department employee documenting:

- (a) Reason the fire watch was implemented.
- (b) Date and time the fire department was notified the fire watch was initiated and concluded.

- (c) Start and stop time of each building or property tour.
- (d) Key locations visited in the building(s) requiring the fire watch.
- (e) Name(s) of personnel conducting the fire watch.
- (f) Name(s) of personnel recording the information.

Personnel conducting the fire watch shall be:

- (a) Capable of performing patrol duties.
- (b) Reliable.
- (c) Not addicted to the use of or under the influence of intoxicants, narcotics, illegal drugs, and /or physically or mentally impaired by prescription drugs.
- (d) Able to clearly and accurately converse with fire department personnel in English, in the even of an emergency.
- (e) Able to remain awake and alert at all times.

NOTE: In all cases, the sole duty of personnel assigned to the fire watch shall be to perform constant patrols of the protected premises, to keep watch for fires, and if necessary to summon the fire department.

If a fire is located:

- (a) The fire watch staff shall immediately call 9-1-1 and report the location of the fire within the building.
- (b) Begin the evacuation of the building starting on the fire floor, then above the fire floor, then below the fire floor.
- (c) Do not attempt to extinguish the fire.

Appendix C – Requirements for Fireworks Displays

APPENDIX C

REQUIREMENTS FOR FIREWORKS DISPLAYS

SECTION C101 GENERAL

C101.1 Scope. This appendix provides the permit and display requirements for the use of fireworks within the City of Alexandria. The City of Alexandria shall issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks, or by any organization or group of individuals; provided such display is in general accord with the applicable sections of National Fire Protection Association (NFPA) 1123, *Fireworks Displays*, a referenced standard, listed in Chapter 45, of the Virginia Statewide Fire Prevention Code.

SECTION C102 REQUIREMENTS

C102.1 Insurance Requirements. The Code Enforcement Bureau shall issue no permit until all requirements of this appendix are submitted for review, approved, and the applicant files a certificate of insurance with the City of Alexandria named as a co-insured on all policies in the amount of two million (\$2,000,000) dollars for each bodily injury and property damage. The insurance policy shall become available for the payment of any damage arising from acts or omissions of the applicant, his agents or his employees in connection with the display of aerial fireworks. The applicant shall ensure the insurance policy is in effect at the time of the commencement of activities authorized by the permit and remains continuously in effect until such are completed.

C102.2 Requirements for Permit Application. An application for the display of aerial fireworks shall be completed and submitted to the Code Enforcement Bureau 45 days before the scheduled event. The application for aerial fireworks display shall include the following:

Display area shall incorporate a 70 feet diameter radius, per inch of largest fireworks display shell.

Ground Displays shall be located a minimum distance of 75 feet from spectator viewing areas and parking areas. Spinning Wheels, Roman Candles, and Large Salutes shall be located 125 feet from viewing areas.

Fire works shall not be discharged within 100 feet of any tent or canvas shelter.

The point of firing of aerial fireworks is to be at least 200 feet from the nearest permanent building, public highway, or railroad, and be at least 50 feet from the nearest aboveground telephone or telegraph line or other overhead obstruction. In no case shall a display be fired within 500 feet of a school, theater, church, hospital or similar institution.

The potential landing area shall be a large, clear, open area acceptable to the authority having jurisdiction.

Spectators, vehicles, or any readily combustible materials shall not be located within the potential landing area during the display.

Spectators shall be restrained behind lines at least 200 feet from the firing point by physical barriers and monitors. Only persons in active charge of the display shall be allowed inside these lines.

Projectile type fireworks shall fire into the air as nearly as possible in a vertical direction except fireworks fired beside a lake or other large body of water, the fireworks may be directed in such a manner that the firing residue of deflagrations will fall into the said body of water.

Unfired fireworks shall be covered or protected during firing and those remaining after

display shall be immediately disposed of in a way safe for the particular type of firework.

If at any time, high winds in excess of 15 miles per hour, unusually wet weather prevails, or any other condition that represents an unsafe condition in the opinion of the authority having jurisdiction or the display operator, the public display shall be postponed until weather or other unsafe conditions improve to an acceptable level.

Extremely dry conditions shall require the display and fallout areas to be soaked with water before event commencing. If the outdoor burning restrictions are in place, outdoor firework displays shall not occur.

Portable water fire extinguishers or other adequate fire protection will be required at discharge site.

Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

Neither smoking nor open flames shall be allowed in the display or shell storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of 15 minutes then, carefully flood with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for disposal instructions.

The entire firing range shall be inspected immediately following the display to locate any defective shells. The inspection shall be completed before the public having access. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

All operators shall be at least 21 years of age. Assistants shall be 18 years of age.

An adequate number operators, assistants, and monitors shall be on hand to conduct the display. At no time shall there be less than two operators on duty.

No person shall handle or be involved in the firing of fireworks while under the influence of alcohol, narcotics, or drugs, which could adversely affect judgment, movement, or stability.

A method of communication (preferably a cellular phone) shall be on or near the display site in the event of an emergency. The Alexandria Fire and EMS Communication Center (phone number 911) shall be immediately notified in the event of fire and/or injury.

Fireworks Displays shall be completely set-up and ready for inspection at least 2 hours

before event. Personnel from the Code Enforcement Bureau Fire Marshals Office are required to inspect the display area before the event commencing, monitor the event and conduct a post event inspection.

Obtain and maintain original Fire Prevention Code Permit for Aerial Fireworks Display on the event site.

If the storage of fireworks is approved in the City of Alexandria, the operator shall maintain the original Fire Prevention Code Permit for aerial fireworks on the event site and comply with all Bureau of Alcohol, Tobacco and Firearms storage requirements.

Appendix D – Requirements for Stairway Identification

STAIRWAY IDENTIFICATION

SECTION D101 GENERAL

D101.1 Scope. Stairway identification prevents firefighters and citizens from becoming disoriented during a fire when smoke obscures vision. The requirement shall apply to all buildings above three stories in height.

D101.2 Purpose. Stairway identification ensures all stairwell landings are marked in a prescribed manner to help determine the location of the person within the building.

D102 REQUIREMENTS

D102.1 Requirements. The requirements outlined shall be followed to identify and properly mark each stairwell located within your building greater than three stories.

- A Building Stairwell Identification Program shall be submitted to the Code Enforcement Bureau for approval within 90 days of receipt of notification.
- All buildings greater than three stories must display in the lobby and fire control room a simplified schematic with the building's footprint.
- The footprint shall be an overhead view of the building's exterior and the general layout of the lobby of the first floor. Stairwells shall be denoted by letter, starting next to the main entrance with "A" and continuing in a clockwise or left to right pattern. (See Figure D102.1)
- Additionally, a sign approved by the Code Enforcement Bureau shall be provided at each landing in all interior stairwells, identifying the stairwell's letter, designating the floor level and the level of exit discharge. It should also state if there is no access to the roof. (Roof Access means doors to the roof regardless whether they are locked).

- The sign shall be located five (5) feet above the floor landing in a position that is readily visible when the stairwell door is opened or closed. This information may be stenciled directly onto the wall. (See Figure D102.2)
- The signs must have lettering that is a minimum of 4 inches in height, and the lettering must be of a color contrasting with the background stairwell wall color.
- Two copies of the footprint and the stairwell sign shall be submitted to the Code Enforcement Bureau for approval prior to installation.

APPENDIX F - REQUIREMENTS FOR EXTERIOR SPRAY PAINTING OPERATIONS

SECTION F101 - GENERAL

F101.1 Scope. This appendix provides permit and other requirements for exterior spray painting operations that do not exceed an accumulative area of 9 (nine) square feet per day.

SECTION F102 - REQUIREMENTS

F102.1 Permit Requirements. A permit shall be applied for with all required supporting documentation and upon approval, issued to perform limited exterior spray-painting. The applicant shall submit two copies of the proposed procedure outlining process to include the following: a complete list of Material Safety Data Sheets for materials to be utilized, a chemical / paint inventory, the method of on site storage, the method of transportation between sites, the method of paint application, the method of waste / spray paint recovery, site plans, list of all application areas in which spraying will occur, the type of on site fire protection, a 24 hour emergency contact information and the site contact.

F102.2 General Requirements. The following general requirements shall apply to all exterior spray painting operations and are subject to review and approval by Code Enforcement Bureau personnel prior to commencing exterior spray painting operations:

The Hazardous Use Permit shall be kept in the on site contractor's vehicle at all times. Absence of the on site permit will void permitted process and the area will be deemed non-compliant. If this occurs, all equipment and paint shall be removed from the City of Alexandria limits.

The applicant shall locate spray-painting operations a minimum of 50 feet from a building, structure or a property line.

The applicant shall ensure the spray painting operation is not continuous in nature.

The applicant shall ensure that no exterior electrical equipment is within 20 feet unless

it meets the requirement of NEC Class I, Division II, including flexible electrical extension cords, and approved by the Code Enforcement Bureau.

The applicant shall not use portable electrical lamps inside the spray-painting area.

The applicant shall provide a minimum of one (40-BC) dry chemical fire extinguisher outside the application area and within 30 feet of travel.

The applicant shall remove all possible ignition sources. This shall include securing and stopping all motors on vehicles.

The applicant shall not permit open flames within 20 feet of the designated spray area.

The applicant shall not permit hot or heated surfaces within the designated spray area.

The applicant shall not permit smoking within the spray area. Signage shall be posted and visible from the exterior of the designated spray areas.

The applicant shall clean spray-painting equipment in a manner approved by the Fire Official. Only Class II or III solvents shall be utilized on the exterior.

The applicant shall provide a smooth surface for the limited area spray operation. Porous surfaces such as asphalt is not permitted

If an interior limited area spray operation is approved and utilized, the applicant shall provide the area with approved fire protection and positive ventilation approved for flammable liquids.

The applicant shall ensure that all equipment and containers are listed for the flammable or combustible liquid use.

If flammable liquids will be transferred from one container to another, the applicant shall ensure that at least one container is bonded and/or grounded.

The applicant shall ensure that Class I flammable liquids and/or solvents are not utilized for cleaning of equipment. Only Class II and III combustible liquids may be utilized for cleaning of equipment.

The applicant shall keep the limited spray-painting area clean of over spray and residue.

The applicant shall provide self-closing metal waste cans to handle waste and rags.

The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.

The applicant shall not dispose of material by venting material into the atmosphere.

(3) Chapter 1, section 105.1 is amended by deleting and substituting the following:

105.1 Fire Official. The provisions of the Virginia Statewide Fire Prevention Code and this article shall be enforced by the director of code enforcement as the fire official, and any other person authorized by the fire official or fire chief to conduct inspections under the Virginia Statewide Fire Prevention Code or this article.

(4) Chapter 1, section 107.1 is deleted and substitute the following:

107.1 Notice. It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous materials, substances or devices; or to maintain, store or handle materials; or to conduct processes producing conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to establish an assembly occupancy without first notifying the director of code enforcement.

(5) Chapter 1, Table F-108.2 is deleted. Chapter 1, Table 107.2 replaces Table F-108.2 and is amended by adding the following quantities, approvals and fees:

Table 107.2 Operational Permit Requirements

Description (Permit thresholds stated in SFPC Table 107.2)	Permit Required	Code Section	Permit Fee
Aerosol products. Aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight when manufacturing, storing or handling.	Yes	2801.2	88.50
Amusement buildings.	Yes	403.1.3	88.50
Aviation facilities.	Yes	1101.3	88.50
Carnivals and fairs.	Yes	403.1.2	88.50
Battery systems. Stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).	Yes	608.1.2	88.50
Cellulose nitrate film. Storage, handling or use in any assembly or educational occupancy (Group A and E).	Yes	306.2.1	88.50
Combustible dust-producing operations.	Yes	1301.2	88.50
Combustible fibers. Storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ²). Exception: Not required for agricultural storage.	Yes	2901.3	88.50

Compressed gas. Storage, use, or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for	Yes	3001.2	88.50
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propelling the vehicle.			
PERMIT AMOUNTS FOR COMPRESSED GASES			
TYPE OF GAS	AMOUNT (CUBIC FEET AT NTP)		
Corrosive		200	
Flammable (except cryogenic fluids and liquefied petroleum gases) 200			
Highly toxic		Any amount	
Inert, simple asphyxiant and non-flammable gasses		6000	
Oxidizing (including oxygen)		504	
Toxic		Any amount	

For SI: 1 cubic foot = 0.02832m³

Covered mall buildings.	Yes	408.11.4	500.00
Corrosives. Storage, use, handling	Yes	3101.2	88.50
Gases 200 cubic feet at (NTP)			
Liquids 55 gallons			
Solids 1000 pounds			

Cryogenic fluids. Produce, store, transport on site, use, handle or dispense	Yes	3201.2	88.50
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Type	Inside Building (gal)	Outside Building (gal)
Flammable	more than 1	60
Inert	60	500
Oxidizing (Includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

Cutting and welding.	Yes	2601.2	88.50
Dry cleaning plants.	Yes	1201.2	88.50
Exhibits and trade shows.	Yes	403.1.3	88.50
Explosives. An operational permit is required for the manufacture, possession, storage, handling, sale or other disposition, transportation, or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33, or to operate a terminal for handling explosive materials, or to deliver or receive delivery of explosives or explosive materials from a carrier between sunset and sunrise.			
Explosive Vehicle Inspection - (Valid for 6 months only)			
Emergency Vehicle Access Roadway.	Yes	503.1.1	88.50
Fire hydrants and valves. Operate or use any fire hydrants or valves used for fire suppression service.	Yes	503.1.1	88.50

Flammable and combustible liquids (cont.)	Yes	3401.4	88.50
b. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.			
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building, except for fuel oil used in connection with oil-burning equipment.			
4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes.			
5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.			

6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.			
7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than for which the tank was designed and constructed.			
Flammable Gases.	Yes	3501.2	88.50
Flammable Solids.	Yes	3601.2	88.50
Floor finishing. Using Class I or Class II liquids exceeding 350 square feet (33 m3).	Yes	1510.1.2	88.50
Fruit and crop ripening.	Yes	1601.2	88.50
Fumigation and thermal insecticidal fogging.	Yes	1701.2	100.00

FOR HAZARDOUS MATERIALS	Yes	2701.4	88.50
TYPE OF MATERIAL	AMOUNT		
Combustible liquids	See flammable and combustible liquids		
Corrosive material			
Gases	See compressed gases		
Liquids	55 gallons		
Solids	1000 pounds		
Flammable materials			

Gasses	See compressed gases		
Liquids	See flammable and combustible liquids		
Solids	100 pounds		
Highly Toxic materials			
Gases	See compressed gases		
Liquids	See flammable and combustible liquids		
Solids	100 pounds		
Oxidizing materials			
Gases	See compressed gases		
Liquids			
Class 4	Any amount		
Class 3	1 gallon		
Class 2	10 gallons		
Class 1	55 gallons		

Solids			
Class 4	Any amount		
Class 3	10 gallons		
Class 2	100 gallons		
Class 1	500 gallons		
Organic peroxides			
Liquids			
Class I	Any amount		
Class II	Any amount		
Class III	1 gallon		
Class IV	2 gallons		
Class V	No permit required		
Solids			
Class I	Any amount		
Class II	Any amount		
Class III	10 pounds		
Class IV	20 pounds		
Class V	No permit required		

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Hazardous materials - continued	Yes	2701.4	88.50
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS			
TYPE OF MATERIAL	AMOUNT		
Pyrophoric materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Toxic materials			
Gasses	See compressed gases		
Liquids	10 gallons		
Solids	100 pounds		
Unstable (reactive) materials			
Liquids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	5 gallons		
Class 1	10 gallons		
Solids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	50 pounds		

Class 1	100 pounds		
Water-reactive materials			
Liquids			
Class 3	Any amount		
Class 2	5 gallons		
Class 1	55 gallons		
Solids			
Class 3	Any amount		
Class 2	50 pounds		
Class 1	500 pounds		
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.			

Highly Toxic Materials.	Yes	3701.2	88.50
High-piled storage. Use a building or portion exceeding 500 square feet (46 m2).	Yes	2301.2	100.00
Hot work operations.	Yes	303.9	88.50
Indoor display of vehicles or equipment.	Yes	314.4.1	88.50
Industrial ovens.	Yes	2101.2	88.50
Lumber yards and woodworking plants. Storage or processing exceeding 1000,000 board feet (8,333 ft3) (236 m2).	Yes	1901.2	88.50
Liquid or gas fueled vehicles in assembly buildings.	Yes	3803.2.1	88.50
LP Gas. Storage and use inside or outside of any building Exception: 1. Individual containers with 500 gallons (1893L) water capacity or less serving occupancies in Use Group R-3.	Yes	3801.2	88.50
2. Operations of cargo tankers that transport LP-gas			
Magnesium. Melt, cast, heat, heat treat or grind more than 10 pounds (4.54 kg).	Yes	3606.1.2	88.50
Miscellaneous combustible storage. - store in any building or	Yes	315.1.2	88.50

upon any premises in excess of 2,500 cubic feet (71 m3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber cork or similar combustible material.			
Open burning.	Yes	307.2	88.50
Open burning charitable organizations.	Yes	307.2	10.00
Open flames, candles and heat-producing appliances or torches for removing paint	Yes	308.1.1	88.50
Organic coatings. Manufacturing operations producing more than 1 gallon (4 L) of an organic coating in one day.	Yes	2001.2	88.50
Organic peroxides.	Yes	3901.2	88.50
Oxidizers	Yes	4001.2	88.50
Places of assembly / educational	Yes	403.1.4	
occupancy less than 50 persons	Yes	4023.1.4a	50.00
occupancy 50 to 100 persons	Yes	403.1.4b	100.00
occupancy over 100 persons	Yes	403.1.4c	250.00
Private fire hydrants.	Yes	508.5.2.1	88.50
Pyrophoric materials.	Yes	4101.2	88.50
Pyrotechnic special effects material.	Yes	3301.2	100.00
Pyroxylin plastics. Storage and handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastic and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes	4201.2	88.50
Refrigeration equipment.	Yes	606.1.2	88.50
Repair garages and service stations.	Yes	2201.2	88.50
Rooftop heliports.	Yes	1107.1	88.50
Semiconductor Fabrication Facilities - HPM Facilities.	Yes	1801.5	250.00
Special Outdoor Assembly and Events.	Yes	403.1.2	250.00
Spraying and dipping.	Yes	1501.2	100.00
Storage of scrap tires and tire byproducts. Establish, conduct or maintain storage of scrap tires and tire byproducts exceeding 2,500 cubic feet (71 m3) of total volume of scrap tires and for indoor storage	Yes	2501.2	100.00

of tires and tire byproducts.			
Temporary membrane structures, tents and canopies.	Yes	2401.2	88.50
Tire rebuilding plants.	Yes	2503.1.2	250.00
Unstable (reactive) materials.	Yes	4301.2	88.50
Waste materials and junk yards.	Yes	316.2	88.50
Waste reactive materials. Store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3).	Yes	4401.2	88.50
Wood products. Store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3).	Yes	1907.1.1	88.50

(6) Chapter 1, section 107.14 is amended by adding the following after the last sentence of the paragraph to read:

The permit fee schedule is shown in Table 107.2 Operational Permit Requirements.

(7) Chapter 1, section 108.3.1 is deleted and substitute the following:

108.3.1 Period of validity. Permits are valid for a period of 12 months from issuance, unless a different period is stated on the permit or the permit is revoked. Notwithstanding the foregoing, multiple permits issued at different times for the same location shall all expire at the same time as the first permit issued for the location.

(8) Chapter 1, section 108.3.5 is amended by adding the following subsections:

108.3.5.1 Access to permit premises. Any person or business required by section 107.2 to have a permit(s) on premises shall make the necessary keys, any manufacturer's material safety data sheets related to products regulated by the permit(s), location of the operation subject to permit(s) within the premises, emergency personnel information and other pertinent information relating to the permitted activity available to fire department personnel by use of an approved locking box on the exterior of the building.

108.3.5.2 Permit location. Permits are valid only at the location stated in the permit, and cannot be transferred to a different location or address.

108.3.5.3 Permit location - exception. Permits issued under sections 308.1.1 for the use of a heat producing appliance or torch to remove paint or 2601.2 for cutting and welding operations may be used on a citywide basis during the period of validity of the permit. All necessary fire protection equipment required by section 308.4 and Chapter 26 of the Virginia Statewide Fire Prevention Code, or other referenced codes or standards, must be in place and ready for use at each location prior to beginning operations covered under these types of permit.

(9) Chapter 1, section 110 is amended by adding subsection 110.7:

110.7 Imminent danger or threat to human health or safety or to property. If the fire official determines that any violation creates an imminent danger or threat to human health or safety or to property, the fire official may forthwith correct or abate such violation, and request that the city attorney institute appropriate legal proceedings to recover the full cost of such response from the property owner, tenant or other responsible party.

(10) Chapter 2, Section 202 is amended by adding the following definitions:

Overcrowding: See section 1002.1.

Person: Includes a corporation, firm partnership association, organization or any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the term "person" appears in any section of this code prescribing a penalty or fine, as to partnerships and associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof, who are responsible for any violation of such section.

(11) Chapter 3, section 301.2 Permits is deleted

(12) Chapter 3, section 303 is amended by adding the following subsections:

303.9 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

303.9.1 Safety Plan. Where required by the director of code enforcement, a fire safety plan, emergency procedures, and employee training programs for roof installation, repair, and other related operations shall be approved by the director of code enforcement or designee prior to operations.

(13) Chapter 3 subsection 304 is amended by adding the following:

304.1.1 Waste materials. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable water, cooking oils or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

(14) Chapter 3 subsection 304 is amended by deleting the following:

304.3 Containers. Combustible rubbish, and waste material shall be stored in accordance with Section 304.3.1 through 304.3.3.

(15) Chapter 3 subsection 304 is amended by adding the following subsections:

304.3.1.1 Container lids. All containers shall be equipped with a self-closing lid unless approved by the Director of Code Enforcement.

304.3.2.1 Secondary containment. All cooking oil containers exceeding 5.33 cubic feet (40 gallons) shall be provided with approved secondary containment.

(16) Chapter 3 subsection 306 is amended by adding the following subsection:

306.2.1 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(17) Chapter 3, Section 307 is amended by deleting and adding the following:

307.1 General. A person shall not cause or allow open burning unless approved in accordance with this code and the air pollution control code (chapter 1 of title 11 of the city code) of the city. No person shall kindle, or authorize to be kindled or maintain any fire in such a manner that it constitutes a danger to public health and safety as determined by the director of code enforcement.

307.2 Permit Required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

307.2.1 Allowable burning: Open burning shall be allowed without prior notification to the code official for recreational fires, highway safety flares, fires for the training of fire fighters under the direction of the fire department, smudge pots.

(18) Chapter 3, section 308 is amended by adding the following subsection:

308.1.1 Permit Required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2.

(19) Chapter 3, section 308.4 is amended by deleting and adding the following text and subsections:

308.4 Torches for removing paint and sweating pipe. Persons utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized. This person shall be at least 21 years of age and shall have access to a means of contacting the fire department in an emergency.

308.4.1 Permit required. A permit shall be obtained from the director of code enforcement prior to the utilization of a torch or other flame producing device for removing paint, sweating pipe, applying roofing material, or for other such occupational uses.

(20) Chapter 3, section F-317.0 is deleted

(20) Chapter 3, section F-317.0 is deleted.

(21) Chapter 3, section 314.4 is amended by deleting and adding the following:

314.4 Vehicles and equipment.- It shall be unlawful to store, display or repair in or on a building or structure, or any part thereof, any vehicle, tool or equipment that has a fuel tank containing a flammable or combustible liquid or a liquefied petroleum gas as a source of fuel, unless the building or structure is built and maintained in accordance with the requirements of the Uniform Statewide Building Code, and this code, for such storage, display or repair; provided, that this section shall not apply to single-family dwellings where the storage, display or repair is not conducted as a business. Where indoor display of vehicles is permitted by the fire official, the following safeguards shall be employed:

- 1) Batteries are disconnected.
- 2) Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19L) (whichever is least).
- 3) Fuel tanks and fill openings are closed and sealed to prevent tampering.
- 4) Vehicles, boats or other motorcraft equipment are not fueled or defueled with the building.

(22) Chapter 3, section 314 is amended by adding the following subsection:

314.4.1 Permit Required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2.

(23) Chapter 3, section 314.0 is amended as adding subsection 314.5.

314.5 Storage or display in roofed-over malls: No combustible goods, merchandise or decorations shall be displayed or stored in a roofed-over mall unless approved by the fire official.

(24) Chapter 3, subsection 315.1 is amended by deleting the following:

315.1 General. Storage, use and handling of miscellaneous combustible materials shall be in accordance with this section.

(25) Chapter 3, subsection 315.1 is amended by adding the following subsection:

315.1.2 Permit Required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2.

(26) Chapter 3, subsection 315.2.1 Ceiling clearance: delete and substitute:

315.2.1 Ceiling clearance: Storage inside any structure shall be maintained in a neat, orderly and safe manner. No storage shall be permitted within 24 inches of the lowest portion of a ceiling, or the supporting structure thereof, or within 18 inches of the deflector plate of a sprinkler head, is so equipped, in any building. In buildings where sprinkler heads are mounted above the supporting structure of the roof, no storage shall be permitted within 18 inches of the supporting structure.

(27) Chapter 3 is amended by adding a new section 316.0:

316.0 Waste Materials and Junk Yards

316.1 General: No person making, using storing, having charge of or having under his control in a building or on any vacant lot, alley, parking lot, open space or property any combustible excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material shall fail, at the close of each day, to remove all such material which is not compactly baled and/or stacked in an orderly manner, from the building or on any vacant lot, alley, parking lot, open space or property or store it in suitable vaults or in metal or metal-lined and covered receptacles or bins. The director of code enforcement shall require suitable baling equipment to be installed in stores, apartment buildings, factories and other buildings where accumulations of paper and waste material are not removed at least every second day.

316.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2 for the operation of waste material facilities, junkyards, or any facility where 2500 cubic feet or material is stored.

(28) Chapter section F-317.3 is deleted.

Other use, or otherwise inaccessible or non-usable for fire department access, a permanent durable sign with the work "BLOCKED" shall be securely affixed on the

exterior side of each door. The size of the lettering shall be six inch block lettering, of a contrasting color to the door.

(29) Chapter 3 is amended by adding a new section 317.0

317.0 Noxious, Flammable or combustible vapors.

317.1 General. This section shall apply to any process or operation which produces flammable, combustible or noxious fumes or vapors, other than during the regular course of processes or operations normally conducted at the premises.

317.2 Ventilation. All such processes or operations shall have sufficient natural or supplied ventilation to prevent the migration of such fumes or vapors within the structure. Such processes or operations shall be conducted at times when the building has the fewest number of occupants.

317.3 Ignition sources. No such process or operation shall be conducted prior to assuring that all potential ignition sources have been identified and extinguished.

317.4 Alarm and sprinkler systems. If the potential exists to activate an alarm system by conducting such a process or operation, the alarm system shall be disabled and a fire watch in accordance with Appendix B, "Requirement for a Fire Watch" shall be maintained by a person other than the person conducting the process or operation. The person maintaining the fire watch shall have the capability of contacting the fire department without having to reactivate the alarm system. No disabling of the alarm system shall be permitted, without prior notification to the fire department communications division. Any protective measures taken to protect either the fire alarm or sprinkler systems at the premises, such as covering detectors or taping sprinkler head, shall be reported to the communication section of the fire department, prior to such measures being taken. At the completion of the process or operation, all such systems shall be fully restored to function, and the fire department shall be so notified.

317.5 Fire department notification. Any person conducting such process or operation shall notify the fire department communications division of the time, date and place at which such process or operation will be conducted, at least 24 hours prior to commencement. Such notice is required even if a permit has previously been obtained for the process or operation.

317.6. Occupant notification. The owner, tenant, property manager or other person responsible for causing such process or operation to be conducted shall give reasonable notice to occupants of the premises of the type of process, date and time of occurrence, and of the potential for the production of flammable, combustible or noxious fumes or vapors.

(30) Chapter 4, section 403 is amended by adding the following subsections:

403.1.2. Permits. A permit shall be obtained from director of code enforcement for special outdoor assembly events, carnivals and fairs in accordance with Table 107.2

403.1.2.1 Safety plan. A safety plan outlining the event shall be submitted to the director of code enforcement 30 days prior to event start date. The safety plan shall include a site map identifying locations of fire lanes, apparatus access points, food vendors, amusement rides, tents hazardous materials, hydrants, citizens assembly points and emergency evacuation shelters.

403.1.2.2 Emergency coordinators. The event coordinator shall provide the director of code enforcement with on-site and emergency contact telephone numbers for at least five event coordinators.

403.1.2.3 Outdoor food handling. All deep fat fryers, woks utilized for deep fat frying or similar cooking devices using hot oil or grease shall be in a mobile unit or trailer with a vented hood and an approved fire suppression system.

403.1.3 Permits. A permit shall be obtained from director of code enforcement for all indoor exhibits, tradeshow, and special amusement events in accordance with Table 107.2

403.1.4 Permits. A permit shall be obtained from director of code enforcement for the utilization of a space or structure for the purposes of assembly in accordance with Table 107.2.

(31) Chapter 6 section F - 610.5 of the City fire code is deleted.

(32) Chapter 4, section 404 is amended by adding and editing the following subsection:

404.2.1 Fire evacuation plans. Fire evacuation plans for all educational occupancies shall be submitted to the fire official for review and approval at least 30 days prior to the start of each school session, unless otherwise approved by the fire official.

(33) Table 405.2 is amended and a new footnote is added as follows:

Table 405.2
FIRE AND EVACUATION DRILL
FREQUENCY AND PARTICIPATION

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group E	Monthly	All occupants
Group I	Quarterly on each shift	Employees

Group R-1	Quarterly on each shift	Employees
Group R-4	Quarterly on each shift	Employees

The frequency shall be permitted to be modified in accordance with Section 408.3.2
Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Section 408.10.5. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.

cln those buildings equipped with "areas of rescue assistance" evacuation to such areas, shall be deemed to comply with the requirement of this section.

(34) Chapter 4 section 408.11 is amended as follows:

408.11 Covered mall buildings. Covered mall building shall comply with the provisions of Sections 408.11.1 through 408.11.4.

(35) Chapter 4 section 408.11 is amended by adding the following subsection:

408.11.4 Permit Required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2.

(36) Chapter 5 section 501.2 Permits is deleted.

(37) Chapter 5 section 501.4 is reinstated and amended as follows:

501.4 Timing of installation. Fire apparatus access roads and water supply for fire protection shall be installed and maintained in accordance with Appendix A "Water and Fire Requirements for New Construction," prior to, and during construction, except when alternative methods of protection are approved by the Director of Code Enforcement. Temporary street signs shall be installed at each intersection when construction of new roadways allows passage of vehicles in accordance with Section 505.2.

(38) Chapter 5 section 503 is amended by deleting and substituting the following:

503.1 Emergency access roadways. Emergency vehicle access shall be installed and maintained in accordance with this section and Appendix A "Water and Fire Requirements for New Construction."

(39) Chapter 5 section 503.1 Virginia Statewide Fire Prevention Code exception 1 and 2 are deleted.

(40) Chapter 5 section 503.1.1 and 503.1.2 are deleted and the following subsections substituted.

503.1.1 Permit Required. A permit shall be obtained from the director of code enforcement in accordance with Table 107.2.

503.1.2 Temporary fire lanes. The fire official is authorized to designate and identify temporary fire lanes during emergency conditions to ensure access of fire department equipment and personnel.

(41) Chapter 5, section 503.2 through 503.2.7 are deleted and the following subsection substituted:

503.2 Signs and markings. The property owner or designee shall supply, install and maintain signs and other required markings to designate and identify fire lanes (emergency vehicle easements) as directed by the director of code enforcement. The signs shall identify the starting point, continuation and end point for all fire lanes.

(42) Chapter 5, section 503.3 is deleted and the following subsection substituted.

503.3 Sign specifications. Fire lane signs shall conform to the following standards, and shall be installed in accordance with the requirements of Appendix A "Water and Fire Requirements for Site Plans and New Construction" as follows:

Metal construction, dimensions 12 inches by 18 inches.

Red letter on a reflective white background, with a three-eighths inch red boarder around the entire outer edge of the sign.

Red directional arrows on the sign shall be used to indicate the direction and continuation of the fire lanes.

Lettering size and layout, with uniform spacing between words and centered inside the red boarder, as follows:

NO (2 inches)

PARKING (2 inches)

FIRE (2 ½ inches)

LANE (2 ½ inches)

(directional arrow) (1 inch x 6 inches solid shaft with solid head 1 ½ inches wide and 2 inches deep)

EM. VEH. EAS (1 inch)

City of Alex. (½ inch) or approved City Seal

(43) Chapter 5, section 503.4 is amended by adding the following text:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads and fire lanes shall not be obstructed in any manner, including the parking vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

(44) Chapter 5, section 506 is amended by deleting and substituting the following:

506.1 Key repository:. Owners of buildings in which fire alarm or fire suppression systems are installed after June 14, 1997, shall provide a key repository to the satisfaction of the director of code enforcement . This key repository shall be of a type approved by the director of code enforcement and shall be located on the exterior of the building, near the main entrance. Keys shall be placed in the repository to allow the fire department access to investigate alarms of fire reported from the building.

(45) Chapter 5, section 508 is amended by deleting and substituting the following:

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix A "Water and Fire Requirements for Site Plans and New Construction."

(46) Chapter 5, section 508.5.1 is deleted with the following text substituted:

508.5.1 Where required. Fire hydrants shall be installed as required by Appendix A "Water and Fire Requirements for Site Plans and New Construction."

(47) Chapter 5, section 508.5.1 is amended by adding the following subsection:

508.5.1.2. Permits. Permits shall be obtained from the director of code enforcement in accordance with Table 107.2 for all private fire hydrants to operate or use fire hydrants or valves used for fire suppression service.

Exception: A permit is not required for authorized employees of the City of Alexandria, the Virginia American Water Company or their designees that manage the water system or the fire department to use or operate fire hydrants or valves.

(48) Chapter 5, Section 509, add subsection 509.1 as follows:

509.1.1 All buildings that have a fire control room shall equip that room with an operations manual. The fire official shall review and approve the contents of the manual.

(49) Chapter 6, subsection 601.2 is deleted.

(50) Chapter 6, subsection 606 is amended by adding the following subsection:

606.1.2 Permit required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2.

(51) Chapter 6, subsection 608 is amended by adding the following subsection:

608.1.2 Permit required. A permit shall be obtained from director of code enforcement in accordance with Table 107.2.

(52) Chapter 6, subsection 609 is amended by adding the following:

609.8 Service. All commercial kitchen hoods and ductwork shall be cleaned, serviced, and maintained at a minimum of 6-month intervals. A cleaning schedule shall be submitted for review and approval to the director of code enforcement.

(53) Chapter 9, subsection 901.3 is deleted.

(54) Chapter 9 section 901 is amended by deleting and adding the following:

901.6.2 Test records: A completed written record of all tests and inspections required under this chapter shall be maintained on the premises by the owner or occupant responsible for said premises and a copy of any such record shall be provided to the code official after the completion of any test or inspection. Accurate logs shall be maintained, indicating the number, location and type of device tested. Any defect, modification or repair shall be logged, and the log shall be made available to the code official. All records of system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 5 years and made available to the code official upon request.

901.6.3 Test responsibility and notification: The code official shall not be held responsible for any damages incurred during any test required under the provisions of this chapter. Any test required under the provisions of this chapter shall be performed in the presence of the code official, unless such requirement is waived by the code official. Any such test shall be scheduled at the convenience of the owner or occupant responsible for said premises and the code official.

901.6.4 Periodic testing, inspection, and maintenance: All water-based extinguishing systems including fire sprinkler, water mist, water-spray, and standpipe systems shall be periodically inspected, tested and maintained in accordance with the requirements of NFPA 25 listed in Chapter 45. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.5 Periodic testing, inspection, and maintenance: All foam-extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 11, 11A and 16 listed in Chapter 45.. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by

the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.6 Periodic testing, inspection, and maintenance: All carbon dioxide extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 12 listed in Chapter 45 and Sections 904.8.1 through 904.8.5. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.7 Periodic testing, inspection, and maintenance: All halogenated extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 12 A listed in Chapter 45 and Sections 904.9.1 through 904.9.3. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.8 Periodic testing, inspection, and maintenance: All clean agent fire extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 2001 listed in Chapter 45, the system manufacturer's instructions and Sections 904.10.1 through 904.10.3. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.9 Periodic testing, inspection, and maintenance: All dry-chemical extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 17 listed in Chapter 45 and Sections 904.6.1 and 904.6.2. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.10 Periodic testing, inspection, and maintenance: All wet-chemical extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 17A listed in Chapter 45 and Sections 904.5.1 and 904.5.2. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.11 Periodic testing, inspection, and maintenance: All fire detection and alarm systems shall be maintained, periodically inspected and testing in accordance with NFPA 72 listed in Chapter 45 and Sections 907.20.1 and 907.20.5. Any required

inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.12 Periodic testing, inspection, and maintenance: Emergency alarms in buildings, rooms or areas used for the storage of hazardous materials shall be maintained, periodically inspected and tested. Test methods and frequency shall be in accordance with NFPA 72 listed in Chapter 45. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.13 Periodic testing, inspection, and maintenance: All fire pumps shall be inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 45. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.14 Periodic testing, inspection, and maintenance: Water tanks and fire service mains shall be periodically inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 45. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

901.6.15 Periodic testing, inspection, and maintenance: All fire department connections shall be periodically inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 45. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the Code Enforcement Bureau.

(55) Chapter 9 section 901.7 is amended by adding the following text after the first sentence of the first paragraph:

901.7 Systems out of Service. Fire watches shall be established and operate in accordance with Appendix B, "Requirements for a Fire Watch".

(56) Delete sections F-504.6 and F-504.7 of the City fire code.

(57) Chapter 9, Section 903.5 is amended by adding the following text and subsections:

903.5 Testing and maintenance: Sprinkler systems shall be tested and maintained in

accordance with this Section and Section 901.

903.5.1 Flow test. All systems shall be tested at the test pipe to determine that the water-flow detecting devices, including the associated alarm circuits, are in proper working order. Dry pipe systems shall deliver water to the inspector's test pipe in not more than 60 seconds.

903.5.2 Air test . Before the water supply for a dry pipe system is turned on and the system is placed into service, the system shall be tested with air pressure of at least 40 psi (276 k Pa) and be allowed to stand 24 hours with a maximum pressure loss of 1 ½ psi (10.34 k Pa). To prevent damaging the valve, the clapper valve of a differential-type dry pipe valve shall be held off the seat during any test at a pressure in excess of 50 psi (344.75 k Pa). Automatic air pressure maintenance devices shall be capable of restoring normal operating pressure to the system within 30 minutes, except for low-differential dry pipe systems where the maximum recovery time shall be 60 minutes.

(58) Chapter 10, section 1002.1 is amended by adding the following definition:

Overcrowding: A condition in which the number of occupants exceeds the total number of approved persons permitted to occupy a structure at any one time.

(59) Chapter 10, section 1003.3.1.8.4, exception 3 is deleted.

(60) Chapter 10, section 1008 is amended by adding the following subsection:

1008.15 Accountability. A person responsible for controlling the occupancy capacity shall develop a system to manage the occupancy capacity for approval by the director of code enforcement. This system shall be implemented outside the main entrance and consist of a mechanism to count persons as they enter a facility without restricting egress.

(61) Chapter 10, section 1011 is amended by adding the following subsections:

1011.5 Overcrowding: A person shall not permit overcrowding or admittance of any person beyond the approved occupant load. The code official, upon finding overcrowded conditions or obstruction in aisles, passageways, or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the occupancy, performance, presentation, spectacle or entertainment to be stopped until such a condition or obstruction is corrected and the addition of any further occupants prohibited until the approved occupant load is reestablished.

1011.6 Operator responsibility: The operator or the person responsible for the operation of an assembly or educational occupancy shall check egress facilities before such building is occupied to determine compliance with this section. If such inspection reveals that any element of the required means of egress cannot be accessed, is

obstructed, locked, fastened or otherwise unsuited for immediate utilization, admittance to the building shall not be permitted until necessary corrective action has been completed.

(62) Chapter 11, subsection 1101 is amended as follows:

1101.3 Permits. Permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes, and hot works shall be obtained from director of code enforcement in accordance with Table 107.2.

(63) Chapter 11 subsection 1107 is amended by adding the following subsection:

1107.1.1 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(64) Chapter 12 subsection 1201 is amended by adding the following subsections:

1201.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(65) Chapter 13 subsection 1301 is amended by adding the following subsections:

1301.2 Permits. Permits shall be obtained from Director of Code Enforcement in accordance with Table 107.2.

(66) Chapter 15, section 1501 is amended to read:

1501.1 4. Floor surfacing or finishing operations.

1501.1 5. The application of dual-component coatings or Class I or II liquids when applied by brush or roller. in quantities exceeding 1 gallon (4L).

(67) Chapter 15, section 1501 is amended by adding the following subsection:

1501.2 Permits. Permits. Permits shall be obtained from the director of code enforcement in accordance with Table 107.2 for spraying, dipping, and exterior spraying operations included within the scope of this chapter and Appendix F "Requirements for Exterior Spray Painting Operations" utilizing any amount of flammable or combustible liquids on any working day.

(68) Chapter 15 subsection 1510 add the following subsection:

1510.1.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(69) Chapter 16 subsection 1601 is amended as follows:

1601.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(70) Chapter 17 subsection 1701 is amended as follows:

1701.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2

(71) Chapter 18 subsection 1801 is amended as follows:

1801.5 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(72) Chapter 19 subsection 1901 is amended as follows:

1901.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(73) Chapter 19 subsection 1907 is amended by adding the following:

1907.1.1 Permits. Permits shall be obtained from the director of code enforcement in accordance with Table 107.2.

(74) Chapter 20 subsection 2001 is amended as follows:

2001.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(75) Chapter 21 subsection 2101 is amended as follows:

2101.2 Permits. Permits shall be obtained from Director of Code Enforcement in accordance with Table 107.2.

(76) Chapter 22 subsection 2201 is amended as follows:

2201.2 Permits. Permits shall be obtained from Director of Code Enforcement in accordance with Table 107.2.

(77) Chapter 22, subsection 2204.3.1 is amended to read as follows:

2204.3.1 General. Where approved, unattended self-service stations are allowed where the public does not have access. As a condition of approval, the owner or operator shall provide and be accountable for, daily site visits, regular equipment inspection and maintenance.

(78) Chapter 22, subsection 2206.2.3 is amended by deleting and adding the following:

2206.2.3 Above-ground tanks located outside, above grade. Above-ground tanks shall not be used for the storage of Class I, II or IIIA liquids motors fuels except where the public does not have access, and as provided by this section.

- (1) Above-ground tanks used for outside, above-grade storage of liquid motor fuels shall be listed and labeled as protected above-ground tanks and be in accordance Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.
- (2) Above-ground tanks used for above-grade storage of Class II or IIIA liquids shall be protected above-ground tanks that comply with Chapter 34. Tank locations shall be in accordance with Table 2206.2.3. Tanks containing motor fuels shall not exceed 6,000 gallons) in individual capacity or 18,000 gallons in aggregate capacity. Installations shall be separated from other such installations by not less than 100 feet (30 480 mm)
- (3) Tanks located at farms, construction projects, or rural areas shall comply with Section 3406.2.

(79) Chapter 23 subsection 2301 is amended as follows:

2301.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(80) Chapter 24 subsection 2401 is amended as follows:

2401.2 Permits. Tents and membrane structures having an area in excess of 200 square feet (19 m²) and canopies in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit- from director of code enforcement in accordance with Table 107.2.

(81) Chapter 24 subsection 2401.4 is deleted.

(82) Chapter 24 subsection 2401 is amended by adding the following subsection:

2401.8 Certification. An affidavit or affirmation shall be submitted to the fire official and a copy retained on the premises at which the tent or air supported structure is located, attesting to the following relative to the flame resistance of the fabric:

1. The name and addresses of the owners of the tent or air supported structure;
2. Date the fabric was last treated with flame resistant solution;
3. Trade name or kind of chemical used in treatment;
4. The name of the person or firm treating the material, and
5. Name of the testing agency and test standard by which the fabric was tested.

(83) Chapter 25 subsection 2501 is amended as follows:

2501.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(84) Chapter 25 subsection 2503 is amended by adding subsection 2503.1.2 as follows:

2503.1.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(85) Chapter 26 subsection 2601 is amended as follows:

2601.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2

(86) Chapter 27, section 2701.1 is amended as follows:

2701.1 Exceptions 1, 4, and 8, 9 are deleted.

(87) Chapter 27 subsection 2701.4 is amended by deleting and adding the following in the first sentence:

2701.4 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(88) Chapter 23, section F-2307.3 of the city fire code is deleted.

(89) Chapter 28, subsection 2801 is amended as follows:

2801. 2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(90) Chapter 29 subsection 2901 is amended as follows:

2901.3 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(91) Chapter 30 subsection 3001 is amended as follows:

3001.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(92) Chapter 31 subsection 3101 is amended as follows:

3101.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(93) Chapter 32 subsection 3201 is amended as follows:

3201.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(94) Chapter 33, Section 3301.1 is deleted and replaced with the following:

3301.1 Scope. The equipment, processes and operations involving the manufacture, possession, storage sale, use, maintenance and transportation of explosive materials shall comply with the requirements of this code, NFPA 495 and DOTn 49CFR listed in Chapter 45 of this code.

1. The transportation and use of explosives by federal or state military agencies or federal, state or municipal agencies while engaged in normal or emergency performance of duties.
2. The manufacture and distribution of explosives material to, or storage of such materials by military agencies of the United States.
3. The use of explosive materials in medicines and medicinal agents in the forms prescribed by the U. S. Phamacopeia or the National Formulary.
4. Pyrotechnics such as flares, fuses and railway torpedoes.
5. Common fireworks in accordance with this Chapter.
6. The possession, transportation and use of not more than 15 pounds (6.81 kg) of smokeless powder and 1,000 small arms primers for hand loading of small arms ammunition for personal use.
7. The storage, handling transportation or use of explosives or blasting agents pursuant to provisions of Title 45.1 of the Code of Virginia.

(95) Chapter 33 subsection 3301 is amended as follows:

3301.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2 for all blasting operations, firework aerial displays, pyrotechnic events before an audience, the transportation, manufacture, possession, use, storage of explosives and fireworks, and the operation of a terminal for handling explosive material and the delivery to or receipt from a carrier at a terminal between sunset and sunrise.

(96) Chapter 33, Section 3302.1, delete the following:

(97) Chapter 33, Section 3302.1, the definition of Fireworks is deleted and replaced with the following:

3302.1: "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or articles prepared for the purpose of

producing a visible or an audible effect by combustion, explosion, chemical reaction, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, model rockets, Roman candles, Daygo bombs, sparklers, pinwheels, poppers, or other devices containing any explosive or flammable compound, or any tablets or other devices of like construction and any devices containing any explosive; except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy cannons, toy canes, toy guns or other devices for use of the caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of this Chapter .

(98) Chapter 33, Section 3303.2 is amended by adding the following subsection:

3303.2.1 Records: Daily records shall be kept of the amount of explosives received from a supplier and the amount delivered to the magazine. A daily record shall be kept of the amount of explosives removed from the magazine for daily use and the amount returned to the magazine. This record will be kept within the magazine so that, on inspection of the magazine, an inventory for all explosives can be made. The inventory shall be separated as to the different types of explosives stored and used. Forms for these records shall be approved by the director of code enforcement.

(99) Chapter 33, Section 3304.5 is amended by adding the following subsection:

3304.5.2.1 Type 2 magazines: Type 2 magazines may be used for temporary storage of explosives at the site of blasting operations where the amount constitutes not more than one day's supply for use in current operations. All explosives not used in the day's operation shall be returned to a Type 1 magazine at the end of the work day for overnight storage. In no case shall a Type 2 magazine be used for overnight storage unless approved by the director of code enforcement. Type 2 magazines shall be allowed only in the I/Industrial Zone.

(100) Chapter 33, Section 3306.4 is amended by adding the following:

3306.4.2 Small arms primers and ammunition. No more than 10,000 small arms primers and ammunition shall be stored in occupancies limited to Group R-3.

(101) Chapter 33, Section 3308.1 is deleted and amended by adding the following subsection:

3308.1 General.

(a) This chapter shall apply to fireworks as hereinafter defined in 3302.1

- (b) Nothing in this chapter shall be construed to prohibit: (i) any resident wholesaler, dealer or jobber to sell at wholesale any fireworks as are not herein prohibited; (ii) the sale of any kind of fireworks, provided they are to be shipped directly out of the state, in accordance with the Department of Transportation (DOT) regulations covering the transportation of explosives and other dangerous articles; (iii) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination; or (iv) the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations or the police department. Fireworks permitted by this section shall be stored in accordance with this Chapter.

(102) Chapter 33 section 3308 is amended by adding and editing the following subsections:

3308.1.1 Manufacture, sale, possession, and discharge of fireworks:

- (b) The manufacture of fireworks is prohibited within the city.
- (c) It shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail, use, possess, or explode any fireworks except as otherwise provided in subsections (c) through (f) of subsection 3308.1.2.
- (d) The director of code enforcement shall adopt rules and regulations for the granting of permits for supervised public displays of fireworks. The permits shall be issued upon application to the director of code enforcement after the filing of a bond by the applicant as provided in subsection 3308.1.2. Every such display shall be handled by an experienced and competent operator approved by the director of code enforcement and shall be of such composition, character and so located, discharged or fired as will, in the opinion of the director of code enforcement after proper inspection, not be dangerous or hazardous to any property or person.
- (e) Applications for permits shall be made in writing at least 45 days in advance of the date of the display. After the permit has been granted, sale, possession, use and distribution of fireworks for display purposes shall be lawful for the purpose only. No permit granted hereunder shall be transferable. Applications for permit shall be in accordance with the requirements in Appendix C, "Requirements for Fireworks Displays."
- (f) The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be safe to persons and property. Evidence that the sale, possession, use and distribution of fireworks for display purposes has been conducted in accordance with the applicable provision of this chapter of the city code and the applicable standards contained in chapter 45 of the Virginia Statewide Fire Prevention Code shall be evidence that such

sale, possession, use and distribution of fireworks for display purposes provides safety to persons and property.

- (g) The director of code enforcement shall adopt rules and regulations for the use of model rockets. The design, construction and use of model rockets shall be safe to persons and property. Evidence that the design, construction and use of model rockets is in accordance with the currently adopted edition of NFPA 1122, "Code for Model Rocketry," published by the National Fire Protection Association, shall be evidence that any design, construction and use provides safety to persons and property.

3308.1.2 Bond and responsibility for fireworks display required:

- (a) The director of code enforcement shall require a bond from the permit holder in a sum not less than \$2,000,000 (Two Million Dollars) conditioned on compliance with the provisions of this chapter.
- (b) Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application shall furnish proof of the responsibility, naming the City of Alexandria as co-insured, to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation or any agent or employee thereof in such amount, character and form as the director of code enforcement determines to be necessary for the protection of the public.

3308.1.3 Disposal of unfired fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a manner safe for the particular type of fireworks remaining. Aerial fireworks shall be destroyed in an approved manner prior to removal from mortar tubes.

3308.1.4 Seizure of fireworks: The director of code enforcement or designee shall seize, take remove or cause to be removed at the expense of the owner, all fireworks offered for sale, stored or held in violation of this code.

(103) Chapter 33, section 3308.2 is amended by deleting the exception:

(104) Chapter 33, section 3308.11 is amended to read:

3308.11 Retail display and sale. The retail display or sale of fireworks is prohibited.

(105) Chapter 33, add section 3309 Transportation as follows:

3309.1 Prohibited transportation. Explosive materials shall not be carried or transported on a public conveyance or vehicle carrying passengers for hire.

3309.2 Vehicle design. Vehicles transporting explosive materials shall be strong

enough to carry the load and shall be in good and safe mechanical condition. The floors shall be tight and have no exposed spark producing surface on the inside of the body. Where explosive materials are transported on a vehicle with an open body, the explosive material shall be stored in a portable magazine or closed container securely fastened to the vehicle body.

3309.3 Vehicle prohibitions. The attachment of a trailer behind a truck, tractor or semi trailer combination for transporting explosive materials is prohibited. The transport of explosive materials in any pole trailer is prohibited.

Exception: Such transport as permitted by DOTn 49CFR listed in Chapter 45 of this code.

3309.4 Vehicle restrictions. Vehicles containing explosive materials shall not be taken into a garage or repair shop for repair or storage.

3309.5 Vehicle contents. Only those dangerous articles authorized to be loaded with explosive materials in accordance with the provisions of this chapter shall be carried in the body of a vehicle transporting explosive materials.

3309.6 Vehicle inspections. The person to whom a permit has been issued to transport explosive materials over the streets and highways of the city shall inspect each vehicle used for such purposes daily, to ensure that:

1. Fire extinguishers are filled and in working order.
2. All electrical wiring is completely protected and securely fashioned to prevent short circuiting.
3. The motor, chassis, oil pan and body undersides are reasonably clean and free of excess grease and oil.
4. Both the fuel tank and fuel line are secure and free from leaks.
5. The brakes, lights windshield wipers, horn and steering mechanism are functioning properly.
6. The tires are properly inflated, have proper tread depth, and are free of defects.
7. The vehicle is otherwise in proper operating condition and acceptable for transporting explosive materials.
8. The operator shall maintain all inspection reports in vehicle at all times.

3309.6.1 Vehicles routinely transporting explosive materials within the city shall be inspected by the code official prior to entering the city limits. Inspection shall occur at

six month intervals. The code official shall issue a fire prevention permit to all approved vehicles.

3309.7 Vehicle signs. Vehicles transporting any quantity of explosive materials shall display all placards, signs lettering or numbering in accordance with DOTn 49 CFR listed in Chapter 45.

3309.8 Separation of detonators and explosives. Detonators shall not be transported in the same vehicle with Class A or Class B explosive materials or blasting agents, except as permitted by DOTn 49 CFR listed in Chapter 44.

3309.9 Vehicle traveling clearances. Vehicles transporting explosive materials and traveling in the same direction shall not be driven within 300 feet (91,440 mm) of each other.

3309.10 Vehicle routing. The route followed by vehicles transporting explosive materials shall not pass through congested areas or heavy traffic, except as permitted by the code official. A transportation plan identifying the route of travel shall be submitted to the code official for review and approval.

3309.11 Explosive materials shall not be transported through any vehicular tunnel or subway or over any bridge, roadway or elevated highway through or over which such transport is prohibited.

3309.12 Portable fire extinguishers. Every vehicle transporting explosive materials shall be equipped with portable fire extinguishers capable of being readily accessed, filled and ready for immediate discharge.

3309.12.1 Small trucks. At least two portable fire extinguishers with a minimum 2-A:10-B:C rating shall be provided on each truck with a gross vehicle weight of less than 14,000 lbs. (6356 kg).

3309.12.2 Large trucks. At least two portable fire extinguishers with a minimum 2-A:40-B:C rating shall be provided on trucks with a gross vehicle weight of 14,000 lbs. (6356 kg) or greater.

3309.13 Operating precautions. No person shall carry matches or any other flame producing device, or carry unauthorized firearms or cartridges while in or near a vehicle transporting or storing explosive materials. No person shall drive, load or unload such a vehicle in a careless or reckless manner.

3309.14 Spark protection. Spark producing metal or tools, oils, matches, firearms, electric storage batteries, flammable materials, acids, oxidizers or corrosives shall not be transported or stored in the body of any vehicle being used to store or transport explosive materials or blasting agents.

3309.15 Unattended vehicles. Vehicles being used to store or transport explosive materials shall not be left unattended at any time within the city. No unauthorized person shall ride or be permitted to ride on any such vehicle.

3309.15.1 Responsibilities. The authorized vehicle attendant shall remain awake and alert at all time.

3309.16 Vehicle parking and transfer. Vehicles being used to transport explosive materials shall not be parked, attended or unattended, on any street or road within the city, or adjacent to or in proximity to any building or structure, including a bridge or tunnel, or other place where persons work, congregate or assemble, prior to reaching the vehicles' destination. Explosive materials shall not be transferred from one vehicle to another except in an emergency and under the supervision of the director of code enforcement.

3309.16.1 Emergency conditions. In the event a vehicle being used to transport explosive materials breaks down, is involved in an accident or catches on fire, the city police and fire department shall be notified immediately. Only in the event of a breakdown or accident shall explosive materials be transferred from the disabled vehicle to another, and then only by proper and qualified personnel and under the supervision of the director of code enforcement.

3308.17 Delivery. Delivery of explosive materials shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

3309.18 Explosive materials at terminals. The code official shall designate the location and specify the maximum quantity of explosive materials which are to be loaded, unloaded, reloaded or stored at any given time at each terminal where such operations are permitted.

3309.19 Carrier responsibility. A carrier shall immediately notify the code official when explosive materials or blasting agents are to be transported within the city.

3309.20 Notice to consignee. A carrier shall immediately notify the consignee of the arrival of explosive materials at the carrier's terminal.

3309.21 Consignee responsibility. Upon notification that a shipment of explosive materials has arrived at a terminal, the consignee shall remove such materials to a storage area complying with the provisions of this chapter. Such removal shall be accomplished within 48 hours after receipt of notice, excluding Saturdays, Sundays and legal holidays.

(106) Chapter 34 subsection 3401 is amended as follows:

3401.4 Permits. Permits shall be obtained from director of code enforcement in

accordance with Table 107.2.

(107) Chapter 34 section 3404 is amended by adding the following subsections:

3404.2.7.12 Spill prevention plan: The owner or operator of any storage facility comprised of one or more tanks above or below ground with a total capacity of 5,000 gallons or more shall prepare and maintain on site a plan for product spill prevention, control and countermeasures certified by a professional engineer registered in the Commonwealth of Virginia and approved by the director of code enforcement. The certification of the professional engineer shall be that the plan is in substantial compliance with the spill prevention, control and countermeasures plan requirements of the Environmental Protection Agency contained in part 112 of title 40, Code of Federal Regulations. A plan that has been approved by the Environmental Protection Agency may be submitted to the director of code enforcement in lieu of one certified by a professional engineer.

3404.2.7.13 Clean-up of spills and leaks: The owner, tenant or other person in control of premises where a spill or leak has occurred shall be responsible for taking immediate and effective countermeasures to contain the spill, clean up the flammable or combustible liquid and dispose of all waste in an approved manner. Upon notification by the city that it has determined that such person lacks the capability or intent to perform these countermeasures, the person notified shall have a reasonable opportunity to elect either to contract with another for the performance of these countermeasures or to join the city in a contract with another for such work. In either case, the person shall pay the entire cost of the work. If a person who has received a notice from the city under this section fails to inform the city of his election within the time specified in the notice, the city may proceed without delay to undertake the required countermeasures, and to charge the owner, tenant or other person in control of the premises the entire cost of such work.

3404.2.7.14 Monitoring wells: Two permanent monitoring wells shall be installed in opposing corners of the tank field on all new installations after the effective date of this regulation. These wells shall extend to a minimum depth of two feet below the bottom of the tanks in the tank field. These wells shall be a minimum of four inches schedule 40 PVC screen pipe or equivalent and shall be flush with covering surface and covered with standard metal cover and gravel packed to prevent clogging. The screened section shall have a minimum size of .025 inch.

3404.2.7.15 Tank closure: All underground storage tanks permanently removed from service shall have a site assessment in accordance with the regulations of the Virginia State Water Control Board. A copy of this Assessment must be submitted to the fire official, and to the Virginia Water Control Board if it so requires. A minimum of three soil samplings should be obtained to complete this assessment. Previously used tanks which are removed from the ground shall not be reinstalled unless the original manufacturer certifies that they are suitable for service. The manufacturers written certification must be kept on file at the facility and be available for inspection by the

director of code enforcement.

3404.2.7.16 Product inventory: All buried tanks installed after this regulation is effective shall have provisions for taking direct measurements of readings of content level by the stick method. Liquid levels of storage tanks shall be measured by the operator each day of operation and compared with pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for reasonable inspection by the director of code enforcement and/or his representative. Loss of product above normal evaporation (one-half of one percent of pump meter sales readings) shall be reported immediately to the director of code enforcement. Records shall be retained for two years. This period shall be extended upon request of the director of code enforcement.

3404.2.7.17 Special equipment: High liquid level gauges or alarm systems as well as pump cut-off devices shall be installed by the owner or the authorized operator in all oil storage tanks wherever in the judgment of the Director of Code Enforcement there is a possibility that product may be lost by overflowing. Since these emergency devices can fail to operate, their use for spill prevention purposes shall be considered only as auxiliary and supplementary to the use of personnel engaged in a transfer or fill operation.

(108) Chapter 34, section 3406 is amended by adding the following subsection:

3406.6.5 Maintenance: Tank vehicles operating within the city while in transit into or out of the city shall be maintained in accordance with the federal regulations contained in parts 390 through 397 of title 49, Code of Federal Regulations. Part 397.3 of Title 49 requires that all motor vehicles carrying hazardous materials comply with state and local laws, ordinances and regulations, unless the regulations of the U.S. Department of Transportation apply and are more strict. Pursuant to the authority granted in section 18.2-278.4 of the Code of Virginia (1950), as amended, any duly sworn law enforcement officer of the city, including the chief fire marshal, chief deputy fire marshal, and any deputy fire marshals may halt any tank vehicle which is observed to have a condition or characteristic which indicates that there exists a violation of city, state or federal regulations governing the transportation of hazardous materials. The vehicle may be detained long enough to determine whether the permits required for transporting hazardous materials have been obtained, whether the cargo is secure, and whether the observed condition or characteristic presents an immediate threat of a transportation related spill or other catastrophic event. The tank vehicle may resume operation if it is found to be in good repair and free of leaks in accordance with NFPA 385. If that finding is not made, the vehicle shall not be detained any longer than necessary for the officer or official to determine that arrangements for the repair of the vehicle where situated or for its removal to a safe place and repair there, whichever in the judgment of the officer or official is appropriate, are made. Upon refusal of the operator to make arrangements required by the officer or official, the vehicle shall be impounded and held until the repair is made or until the officer or official is certain it will be made.

(109) Chapter 35 subsection 3501 is amended as follows:

3501.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(110) Chapter 36 subsection 3601 is amended as follows:

3601.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(111) Chapter 36 subsection 3606 is amended by adding the following subsection:

3606.1.2 Permits. Permits shall be obtained from the director of code enforcement in accordance with Table 107.2.

(112) Chapter 37 subsection 3701 is amended as follows:

3701.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(113) Chapter 38 subsection 3801 is amended as follows:

3801.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(114) Chapter 38 subsection 3803 is amended by adding the following subsection:

3803.2.2.1 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2 for the storage and operation of industrial vehicles and floor maintenance machines.

(115) Chapter 39 subsection 3901 is amended as follows:

3901.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(116) Chapter 40 subsection 4001 is amended as follows:

4001.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(117) Chapter 41 subsection 4101 is amended as follows:

4101.2. Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(118) Chapter 42 subsection 4201 is amended as follows:

4201.2. Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(119) Chapter 43 subsection 4301 is amended as follows:

4301.2 Permits. Permits shall be obtained from director of code enforcement in accordance with Table 107.2.

(120) Chapter 44 subsection 4401 is amended as follows:

4401.2 Permits. Permits shall be required as set forth in Section 105.6 obtained from director of code enforcement in accordance with Table 107.2.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

36. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt the King Street Retail Strategy as a Part of the City's Master Plan. (#21, 6/14/05)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 36, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 36, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance to adopt the King Street Retail Strategy as part of the City's Master Plan. The voting was as follows:

Smedberg	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4412

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2005-0002, and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2005-0002, the planning commission, on its own motion, initiated a comprehensive amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, by adopting the King Street Retail Strategy as a chapter of said Master Plan.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the King Street Retail Strategy, attached hereto and incorporated fully herein by reference, be, and the same hereby is, adopted as chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 2. That all provisions of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of Section 1 of this ordinance be, and same hereby are, repealed.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment, as part of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

37. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt

the King Street Urban Retail Zone. (#22, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 37, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 37, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed an ordinance to adopt the King Street Urban Retail Zone. The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4413

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 6-700 (KR/KING STREET URBAN RETAIL ZONE) to Article VI (SPECIAL AND OVERLAY ZONES), of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2005-0003 and Text Amendment No. 2005-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2005-0003 and Text Amendment No. 2005-0002, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated the comprehensive rezoning of the King Street retail corridor;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended, and
4. All requirements of law precedent to the adoption of this ordinance have

been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by establishing the King Street Urban Retail Zone, as shown on the sketch plan entitled "Proposed King Street Urban Retail Zone, MPA #2005-0002, TA #2005-0002, REZ #2005-0003," dated May 3, 2005, attached hereto and incorporated fully by reference as Exhibit 1.

Section 2. That Article 6 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 6-700, as shown on Exhibits 2-1 through 2-12 inclusive, attached hereto and incorporated fully by reference.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing map and text amendment.

Section 4. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1, and Article 6, as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

38. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt the King Street Outdoor Dining Overlay Zone. (#23, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 38, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 38, 6/21/05, and is incorporated as part of this record by reference.)

The following person participated in the public hearing on this item:

(a) Poul Hertel, 1217 Michigan Court, spoke of the purpose of sidewalks and noted that it is imperative that guidelines, standards and the kinds of furniture be set out and enforced strictly.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed an ordinance to adopt the King Street Outdoor Dining Overlay Zone. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Krupicka	absent
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4414

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 6-800 (KING STREET OUTDOOR DINING OVERLAY ZONE) to Article VI (SPECIAL AND OVERLAY ZONES), of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2005-0005 and Text Amendment No. 2005-0003.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2005-0005 and Text Amendment No. 2005-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated the comprehensive rezoning of the area comprising the King Street Outdoor Dining Overlay Zone;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended, and

4. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by establishing the King Street Outdoor Zoning Overlay Zone, as shown on the sketch plan entitled "Proposed King Street Outdoor Dining Overlay Zone, TA #2005-0003, REZ #2005-0005," dated April 5, 2005, Exhibit 1, attached hereto and incorporated fully by reference.

Section 2. That Article 6 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 6-800, as shown on Exhibits 2-1 through 2-5, inclusive, attached hereto and incorporated fully by reference.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing map and text amendments.

Section 4. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Sections 1 of this ordinance and Article 6, as amended pursuant to Section 2 of this ordinance be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on January 1, 2006, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

39. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a New Parking Meter Zone in East Eisenhower. (#24, 6/14/05)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 39, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 39, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed an ordinance to establish a new parking meter zone in East Eisenhower. The voting was as follows:

Macdonald "aye" Pepper "aye"

Smedberg	"aye"	Gaines	absent
Euille	"aye"	Krupicka	absent
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4415

AN ORDINANCE to amend and reordain Section 5-8-92 PARKING METER ZONES ESTABLISHED) and Section 5-8-93 (PARKING METERS; HOURS AND DAYS OF OPERATION; MAXIMUM TIME LIMITS; RATES) of Article G (PARKING METERS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-8-92 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-92 Parking meter zones established.

(a) The following described parts of the streets of the city are hereby established as parking meter zone 1:

- (1) both sides of the 200, 300, 400, 500, 600 and 800 blocks of King Street and the north side of the 900 block of King Street.
- (2) both sides of the 100 block north and the 100 block south of Pitt Street, Columbus Street and Alfred Street.
- (3) both sides of the 100, 200 and 300 blocks of North Washington Street and the 100, 200 and 300 blocks of South Washington Street.
- (4) both sides of the 300, 400 and 600 blocks of Cameron Street, both sides of Cameron Street between Columbus and Alfred Streets, the south side of the 100 and 200 blocks and the north side of the 100 block of Cameron Street.
- (5) both sides of the 600 and 700 blocks of Prince Street.
- (6) east side of the 200 block of South Columbus Street.
- (7) both sides of the 700 block of Duke Street.

- (8) both sides of the 100 block of South Saint Asaph Street and both sides of the 100 block of North Saint Asaph Street.
- (9) both sides of the 100 block of South Royal Street.
- (10) both sides of the 100 block of South Fairfax Street, and the east side of the 100 block of North Fairfax Street.
- (11) both sides of the 100 block of North Union Street and the east side of the 100 block of South Union Street and the east side of the 200 block of North Union Street.
- (12) west side of the 100 block of North Lee Street and the west side of the 100 block of South Lee Street.
- (13) both sides of the 700 block of Queen Street.
- (14) west side of the 100 block of North Henry Street and the 100 block of South Henry Street.
- (15) east side of the 100 block of North Patrick Street and the 100 block of South Patrick Street.
- (16) east side of the 100 block of The Strand for a distance of 275 feet north of the north curb line of Prince Street.
- (17) both sides of the 700 and 800 blocks of Princess Street.
- (b) The following described parts of the streets of the city are hereby established as parking meter zone 2:
 - (1) both sides of the 1100, 1200, 1500, 1600 and 1800 blocks of King Street and the north side of the 1300 and 1400 blocks of King Street.
 - (2) both sides of the 100, 800 and 900 blocks of North Fayette Street and the east side of North West Street. The east side of the 600 and 700 blocks of North Fayette Street. The east side of South Fayette Street for a distance of 120 feet south of the south curb line of King Street and the west side of the 100 block of South Fayette Street for a distance of 215 feet south of the south curb line of King Street. Both sides of the 100 block of North Payne Street, except the portion between Cameron Street and the alley which is 100 feet north of King Street.
 - (3) both sides of the 1400, 1500 and 1600 blocks of Prince Street.
 - (4) both sides of the 1100 block of Madison Street.

- (5) the east side of the 100 block of South Payne Street for a distance of 135 feet south of the south curb line of King Street and the west side of the 100 block of South Payne Street for a distance of 75 feet south of the south curb line of King Street.
- (c) The following described parts of the streets of the city are hereby established as parking meter zone 3:
 - (1) both sides of the 300, 400, 500 and 600 blocks of John Carlyle Drive.
 - (2) both sides of the 300, 400 and 500 blocks of Dulany Street.
 - (3) both sides of the 500 and 600 blocks of Elizabeth Lane.
 - (4) both sides of the 300 block of Englehardt Lane.
 - (5) both sides of the 2100, 2200 and 2300 blocks of Mill Road.
 - (6) both sides of the 1400, 1500, 1600, 1700, 1800, 1900, 2000 and 2100 blocks of Jamieson Avenue.
 - (7) both sides of the 1700, 1800 and 1900 blocks of Ballenger Avenue.
 - (8) both sides of the 1700 block of Emerson Avenue.
 - (9) both sides of the 300 block of West Street.
- (d) The number and locations of parking meters in the zones established above shall be determined by the city manager or the manager's designee; provided, that any proposal to locate new or remove existing meters shall be submitted by the manager or designee to the traffic and parking board for its review and recommendation; and provided further, that, in the event the manager or designee disagrees with the recommendation of the board, the proposal shall be submitted to city council which shall make the final decision on the proposal.

Section 2. That Section 5-8-93 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-93 Parking meters; hours and days of operation; maximum time limits; rates.

- (a) (1) The parking meters in zones 1 and 2, established by section 5-8-92 of this code, shall be operated every day of the week except

Sundays and legal state holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line ten feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8 a.m. until 7:00 p.m.

- (2) The parking meters in zone 3 established by section 5-8-92 of this code shall be operated every day of the week except Saturdays, Sundays and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.
- (b) The maximum time limit for parking in any space in parking meter zones 1, 2 and 3 shall be set forth on the meter for that space, and shall be 20 minutes, two hours or, in zones 1 and 3 only, four hours.
- (c) In parking meter zone 1, the parking rates shall be as follows:
 - (1) on meters with a maximum time limit of 20 minutes, \$0.25 for 20 minutes.
 - (2) on meters with a maximum time limit of two hours, \$0.15 for any 12-minute period.
 - (3) on meters with a maximum time limit of four hours, \$0.25 for any 20-minute period.
- (d) In parking meter zone 2, the parking rates shall be as follows:
 - (1) on meters with a maximum time limit of 20 minutes, \$0.10 for 20 minutes.
 - (2) on meters with a maximum time limit of two hours \$0.10 for any 12-minute period.
- (e) In parking meter zone 3, the parking rates shall be as follows:
 - (1) on meters with a maximum time limit of 20 minutes, \$0.35 for 20 minutes.
 - (2) on meters with a maximum time limit of two hours, \$0.20 for any 12 minute period.
 - (3) on meters with a maximum time limit of four hours, \$0.25 for any 15

minute period.

Section 3. That this ordinance shall become effective on the date and at the time of final passage.

40. Public Hearing, Second Reading and Final Passage of an Ordinance to Approve an Encroachment for a Hotel Canopy at 400 Courthouse Square. (#25, 6/1405)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 40, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 40, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously by roll-call vote, City Council passed an ordinance to approve an encroachment for a hotel canopy at 400 Courthouse Square, as amended, to show the owner of the property has changed to Alexandria Towers LLC and its successors and assigns and to delete Regent Partners, LLC. The voting was as follows:

Pepper	"aye"	Gaines	absent
Woodson	"aye"	Krupicka	absent
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4416

AN ORDINANCE authorizing the owner or lessee of 400 Courthouse Square to establish and maintain an encroachment for a hotel entrance canopy (ENC No. 2004-0005).

WHEREAS, Alexandria Towers, LLC, and its successors and assigns, ("Owner") is the Owner or lessee of the property located at 400 Courthouse Square, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a hotel entrance canopy which will encroach over the public sidewalk and street right-of-way at that location; and

WHEREAS, the public sidewalk and street right-of-way at that location will not be

significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment over the public sidewalk and street right-of-way at 400 Courthouse Square, in the City of Alexandria, said encroachment consisting of a hotel entrance canopy extending no more than 11 feet into the public right-of-way of Courthouse Square in front of the property, as generally shown on the plat and elevation drawings attached hereto, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on his part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at his own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of his obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) Payment to the City of the annual sum for use of the area of encroachment as required pursuant to Sections 3-2-81 through 3-2-85 of the City Code.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

- 41. Public Hearing, Second Reading and Final Passage of an Ordinance Making Supplemental Appropriations for FY 2005. (#26, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 41, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 41, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance making supplemental appropriations for FY 2005. The voting was as follows:

Macdonald	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4417

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2005.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2004, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2005, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$ (32,231)
Commonwealth's Attorney	2,661
Transportation and Environmental Services	112,000
Fire	334,260

Housing	1,103,005
Mental Health/Mental Retardation/Substance Abuse	90,000
Human Services	<u>138,781</u>
Total Estimated Revenue	<u>\$1,748,476</u>

APPROPRIATION:

Office on Women	\$(32,231)
Commonwealth's Attorney	2,661
Transportation and Environmental Services	112,000
Fire	334,260
Housing	1,103,005
Mental Health/Mental Retardation/Substance Abuse	90,000
Human Services	<u>138,781</u>
Total Appropriation	<u>\$1,748,476</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being intergovernmental revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2005, as follows:

COMPONENT UNIT

ESTIMATED REVENUE:

Intergovernmental Revenue	<u>\$1,798,485</u>
Total Estimated Revenue	<u>\$1,798,485</u>

APPROPRIATION:

Component Unit - Schools	<u>\$1,798,485</u>
Total Appropriation	<u>\$1,798,485</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby authorize the transfer from the General Fund (Designated General Fund Balance) to

the Capital Project Fund (Reserved Capital Project Fund Balance), and does make provision for and appropriate to the latter fund, the amount hereafter stated that is required to defray certain expenditures and liabilities for the city in fiscal year 2005, and further, that the Council does hereby allot the amount so appropriated as follows: (i) to capital projects which are included in the city's government fiscal year 2005 - 2010 capital improvement program, adopted by the Council May 3, 2004.

GENERAL FUND

FINANCING USE:

Transfer Out to Capital Project Fund	<u>\$7,536,116</u>
Total Transfer Out	<u>\$7,536,116</u>

CAPITAL PROJECT FUND

ESTIMATED REVENUE:

Transfer In from General Fund	<u>\$7,536,116</u>
Total Financing Source	<u>\$7,536,116</u>

APPROPRIATION:

Capital Projects	<u>\$7,536,116</u>
Total Appropriation	<u>\$7,536,116</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amounts hereafter stated that are required to defray certain expenditures and liabilities of the city in fiscal year 2005, the source of such amounts being Equipment Replacement Retained Earnings, and further, that the Council does hereby allot the amounts so appropriated to the various city departments for fiscal year 2005, as follows:

EQUIPMENT REPLACEMENT FUND

APPROPRIATION:

Transportation and Environmental Services	\$275,000
Police	275,000
Mental Health/Mental Retardation/Substance Abuse	90,000

Health	30,000
Recreation	<u>50,000</u>
Total Appropriation	<u>\$720,000</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2005, the source of such amount being Component Unit - School Fund Balance, and further, that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit - Schools	<u>\$809,016</u>
Total Appropriation	<u>\$809,016</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amounts hereafter stated that are required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amounts being Property Tax revenues and Developer Contribution revenues and further, that the Council does hereby allot the amounts so appropriated for fiscal year 2005 as follows:

GENERAL FUND

ESTIMATED REVENUE:

Property Tax Revenues	\$30,000
Developer Contribution Revenues	<u>40,000</u>
Total Estimated Revenues	<u>\$70,000</u>

APPROPRIATION:

Finance	\$30,000
Transportation and Environmental Services	<u>40,000</u>
Total Appropriation	<u>\$70,000</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter

stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2005, the source of such amount being Fund Balance, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2005, as follows:

COMPONENT UNIT

ESTIMATED REVENUE:

Fund Balance	<u>\$1,228,000</u>
Total Estimated Revenue	<u>\$1,228,000</u>

APPROPRIATION:

Component Unit - DASH	<u>\$1,228,000</u>
Total Appropriation	<u>\$1,228,000</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being General Fund (Designated Fund Balance) and further, that the Council does hereby allot the amount so appropriated for fiscal year 2005, as follows:

GENERAL FUND

APPROPRIATION:

Fire	<u>\$387,000</u>
Total Appropriation	<u>\$387,000</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amounts hereafter stated that are required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amounts being the proceeds of issuing and refunding city bonds which were authorized but not appropriated by Council, and further, that the Council does hereby allot the amounts so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Other Financing Sources - Proceeds of Refunding Bonds	<u>\$33,687,931</u>
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Total Estimated Revenue	<u>\$33,687,931</u>
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APPROPRIATION:

Other Financing Uses - Payment to Refunded Bond Escrow Agent	\$33,385,875
Bond Issuance Costs	155,899
Interest Expense	<u>146,157</u>
Total Appropriation	<u>\$33,687,931</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amounts hereafter stated that are required to defray certain expenditures and liabilities of the City for fiscal year 2005, the source of such amounts being licenses and permits, and developer contribution revenues, and further, that the Council does hereby allot the amounts so appropriated for fiscal year 2005 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Licenses and Permits	<u>\$516,603</u>
Total Estimated Revenue	<u>\$516,603</u>

APPROPRIATION:

Transportation and Environmental Services	\$269,353
Fire - Code Enforcement	<u>247,250</u>
Total Appropriation	<u>\$516,603</u>

Section 11. That this ordinance shall become effective upon the date and time at the time of its final passage.

42. Public Hearing, Second Reading and Final Passage of an Ordinance Making Appropriations for FY 2006. (#27, 6/14/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 42, 6/21/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 42, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilwoman Woodson and carried unanimously by roll-call vote, City Council passed an ordinance making appropriations for FY 2006.

Councilman Smedberg said that at the last meeting, Council discussed that in the fall, Council would explore ideas and talk about using part of the open space fund for maintenance.

The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Woodson	"aye"	Gaines	absent
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4418

AN ORDINANCE making appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2006.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to section 6.07 of the city charter, the sum of \$613,377,271 be, and the same hereby is, appropriated for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006.

Section 2. That, pursuant to section 6.07 of the city charter, the sum of \$613,377,271 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006, be, and the same hereby is, further appropriated to the following city departments, major operating units, component units and major categories of expenditures in the amounts set forth below:

Department/Unit/Component Unit/
Category of Expenditure

Appropriation

18th Circuit Court	\$1,250,395
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18th General District Court	83,792
18th Juvenile Court	33,273
Citizens Assistance	661,102
City Attorney	2,338,305
City Clerk and Clerk of Council	338,143
City Council	540,521
City Manager	2,051,412
Clerk of Court	1,540,725
Commonwealth's Attorney	2,696,797
Contingent Reserves	376,500
Court Services Unit	1,372,204
Economic Development	2,694,336
Finance	8,115,684
Fire	32,977,381
General Debt Service	27,970,953
General Service	11,152,745
Health	6,350,693
Human Rights	548,380
Human Services	47,283,046

Human Services Contributions	\$2,327,181
Information Technology Services	7,326,123
Internal Audit	200,520
Law Library	138,598
Mental Health/Mental Retardation/Substance Abuse	26,435,559
Non-Departmental	10,947,114
Office of Historical Alexandria	2,716,047
Office of Housing	6,553,885
Office of Management and Budget	1,015,329

Office on Women	1,660,574
Other Correctional Activities	4,356,564
Other Educational Activities	12,990
Other Health Activities	988,400
Personnel	2,860,163
Planning & Zoning	3,920,003
Police	45,564,023
Real Estate Assessments	1,268,167
Recreation, Parks & Cultural Activities	18,631,665
Registrar of Voters	1,004,622
Sheriff	22,109,033
Transit Subsidies	14,913,697
Transportation and Environmental Services	26,180,656
Capital Projects	67,811,626
Component Unit-Library	6,830,234
Component Unit-Schools	183,182,138
Internal Services	4,045,973
TOTAL APPROPRIATIONS	\$613,377,271

Section 3. That, pursuant to section 6.07 of the city charter, the sum of \$613,377,271 appropriated in section 1 of this ordinance for the support of the City of Alexandria in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2005, be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

Object of Expenditures

Appropriation

<u>Personnel Service</u>	<u>\$197,829,453</u>
<u>Non-Personnel Services</u>	<u>144,357,525</u>
<u>Capital Outlay</u>	<u>552,322</u>
<u>Component Unit-Library</u>	<u>\$6,830,234</u>
<u>Component Unit-Schools</u>	<u>183,182,138</u>

<u>Component Unit-Alexandria Transit Company</u>	<u>8,768,000</u>
<u>Equipment Replacement</u>	<u>4,045,973</u>
<u>Capital Projects</u>	<u>67,811,626</u>
<u>TOTAL APPROPRIATIONS</u>	<u>\$613,377,271</u>

Section 4. That the sum of \$613,377,271 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
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General Property Taxes	\$284,556,796
Other Local Taxes	105,259,185
Permits, Fees and Licenses	8,332,533
Fines and Forfeitures	3,877,000
Intergovernmental Revenue	125,260,726
Charges for Services	21,697,269
Revenue from Use of Money and Property	7,996,763
Miscellaneous Revenue	1,847,215
Bond Proceeds - Future Sale	38,660,738
Unreserved Fund Balance - General Fund: Subsequent Year's Budget as Designated	9,062,890
Schools' Fund Balance	2,934,475
Retained Earnings - Internal Services	3,891,681
TOTAL ESTIMATED REVENUE	\$613,377,271

Section 5. That, pursuant to section 6.14 of the city charter, the sum of \$67,811,626 be, and the same hereby is, appropriated for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006. This sum, which consists of the \$67,811,626 appropriated as Capital Projects in section 2 of this ordinance, is appropriated as follows: (i) \$39,255,753 to capital projects which are included in the city's government fiscal year 2005-2010 capital improvement program adopted by city council on May 2, 2005, (ii) \$26,685,095 to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on February 17, 2005, and (iii) \$1,870,778 for the Open

Space Trust Fund Account.

Section 6. That the sum of \$67,811,626 appropriated in section 5 of this ordinance for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
<u>Transfer In from General Fund</u>	<u>\$18,859,735</u>
<u>Permits, Fees and Licenses</u>	<u>3,679,000</u>
<u>Bond Interest Earnings</u>	<u>1,879,263</u>
<u>Designated General Fund Balance</u>	<u>4,732,890</u>
<u>Bond Proceeds - Future Sale</u>	<u>38,660,738</u>
<u>TOTAL ESTIMATED REVENUE</u>	<u>\$ 67,811,626</u>

Section 7. That the sum of \$202,979,195 be, and the same hereby is, authorized to be transferred between the following funds maintained by the city, as set forth below:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
<u>General Fund</u>	<u>\$29,386,071</u>	<u>Special Revenue Fund - General</u>	<u>\$29,386,071</u>
<u>General Fund</u>	<u>3,199,822</u>	<u>Special Revenue Fund - Affordable Housing</u>	<u>3,199,822</u>
<u>General Fund</u>	<u>18,859,735</u>	<u>Capital Projects Fund</u>	<u>18,859,735</u>
<u>General Fund</u>	<u>138,753,138</u>	<u>Component Unit-Schools</u>	<u>138,753,138</u>
<u>General Fund</u>	<u>6,342,000</u>	<u>Component Unit-Alexandria Transit Company</u>	<u>6,342,000</u>
<u>General Fund</u>	<u>6,438,429</u>	<u>Component Unit-Library</u>	<u>6,438,429</u>
<u>TOTALS</u>	<u>\$202,979,195</u>	<u>TOTALS</u>	<u>\$202,979,195</u>

Section 8. That the sum of \$613,377,271 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each city department, major operating unit, component unit

and major category of expenditure, to the funds maintained by the city as shown in Table I on the following page of this ordinance.

Section 9. That the sum of \$613,377,271 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each major source of revenue, to the funds maintained by the city as shown in Table II on the following page of this ordinance.

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriation to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2005, but which are payable in fiscal year 2006, and for which amounts were appropriated but not expended in fiscal year 2005, and further that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2006, as follows:

GENERAL FUND

<u>City Manager</u>	<u>\$4,000</u>
<u>Citizen Assistance</u>	<u>32,000</u>
<u>Office of Management & Budget</u>	<u>3,000</u>
<u>Commonwealth's Attorney</u>	<u>4,000</u>
<u>Sheriff</u>	<u>243,000</u>
<u>Other Correctional Activities</u>	<u>1,000</u>
<u>Information and Technology Services</u>	<u>592,000</u>
<u>Finance</u>	<u>757,000</u>
<u>Real Estate Assessment</u>	<u>1,000</u>
<u>Personnel</u>	<u>91,000</u>
<u>Planning and Zoning</u>	<u>273,000</u>
<u>Registrar Voters</u>	<u>5,000</u>
<u>General Services</u>	<u>385,000</u>
<u>Transportation and Environmental Services</u>	<u>1,333,000</u>
<u>Transit Subsidies</u>	<u>201,000</u>
<u>Fire</u>	<u>77,000</u>

<u>Police</u>	<u>341,000</u>
<u>Health</u>	<u>5,000</u>
<u>Human Services</u>	<u>601,000</u>
<u>Office of Historic Alexandria</u>	<u>18,000</u>
<u>Recreation and Cultural Activities</u>	<u>453,000</u>
<u>Non-Departmental</u>	<u>1,000,000</u>
<u>Total General Fund</u>	<u>\$6,420,000</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2006, the source of such amount being Recordation Tax revenue, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2006 as follows:

GENERAL FUND

ESTIMATED REVENUE:

Recordation Tax Revenues	<u>\$889,815</u>
Total Estimated Revenues	<u>\$889,815</u>

APPROPRIATION:

Transfer Out to Housing Special Revenue Fund	<u>\$889,815</u>
Total Appropriation	<u>\$889,815</u>

AFFORDABLE HOUSING SPECIAL REVENUE

ESTIMATED REVENUE:

Transfer In From General Fund	<u>\$889,815</u>
Total Estimated Revenue	<u>\$889,815</u>

APPROPRIATION:

Housing	<u>\$889,815</u>

Total Appropriation	\$889,815
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Section 12. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2006, the source of such amount being Intergovernmental revenue, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2006 as follows:

SPECIAL REVENUE

ESTIMATED REVENUE:

Intergovernmental Revenues	\$1,000,000
Total Estimated Revenue	\$1,000,000

APPROPRIATION:

Non Departmental	\$1,000,000
Total Appropriation	\$1,000,000

Section 13. That this ordinance shall become effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

43. CITY CHARTER SECTION 9.06 CASE #2005-0001
2600 BUSINESS CENTER DRIVE

Consideration of a proposal by the City of Alexandria to acquire the property at 2600 Business Center Drive for use as outdoor recreational fields pursuant to the provisions of Section 9.06 of the City Charter. Staff: Departments of Transportation and Environmental Services, Recreation, Parks and Cultural Activities, Planning and Zoning and Historic Alexandria.

PLANNING COMMISSION ACTION: Approved 7-0

(THIS ITEM IS NOT A SET PUBLIC HEARING BUT IS FOR CITY COUNCIL'S INFORMATION ONLY--NO APPROVAL IS NECESSARY.)

(A copy of the Planning Commission report dated June 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 43, 6/21/05, and is incorporated as part of this record by reference.)

City Council received the information.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (44-46)

Planning Commission (continued)

44. SPECIAL USE PERMIT #2005-0025
1711 CENTRE PLAZA
BREAD OF LIFE, INCORPORATED
Public Hearing and Consideration of a request for a special use permit to expand an existing bakery to include restaurant service and seating; zoned CG/Commercial General. Applicant: Bread of Life, Inc., by Richard Kent

PLANNING COMMISSION ACTION: Deferred

45. SPECIAL USE PERMIT #2004-0105
219 A NORTH WEST STREET (rear)
DEVELOPMENT w/o STREET FRONTAGE and PARKING REDUCTION
Consideration of a request for a special use permit to construct a single family dwelling on a lot without street frontage and for a reduction in required parking; zoned RB/Residential. Applicant: Sarah Allen

PLANNING COMMISSION ACTION: Deferred 6-1

46. DEVELOPMENT SPECIAL USE PERMIT #2005-0009
6100 & 6110 LINCOLNIA ROAD
LINCOLNIA ROAD RESIDENCES
Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a residential building with underground parking; zoned CRMU-M/Commercial Residential Mixed Use Medium. Applicant: Diamond Lincolnia, LLC by Harry P. Hart, attorney

PLANNING COMMISSION ACTION: Deferred (applicant's request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

* * * * *

New Business Item No. 1: City Manager Hartmann noted that the stakes for the field location at Jones Point Park have been put in place.

Mayor Euille noted the special public hearing on Jones Point Park on Monday, June 27, followed by the last regular legislative meeting on June 28.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously, the public hearing meeting of June 21, 2005, was adjourned at 11:50 p.m. The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

APPROVED BY:

WILLIAM D. EUILLE

MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk